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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1995

Addendum

CAMEROON

[4 April 2000]

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SOME ABBREVIATIONS USED IN THE REPORT OF CAMEROON

CAB/PR	Cabinet of the President of the Republic
CAO	Care and Observation Centre
CNPS	National Social Contingency Fund
CNRH	National Centre for the Rehabilitation of Disabled Persons
DAJS	Department of Judicial Affairs and Justice
DDS	Social Welfare Department
DJA	Youth and Community Activities Department
DPIF	Department for the Protection of Individuals and the Family
ECAM	Cameroonian Household Survey
EMO	Community Education
EPR	Education for Responsible Parenthood
FENAMCAM	Cameroonian National Federation of Disabled Persons
ICE	Cameroonian Juvenile Institute
LF	Federal Act
MINAS	Ministry of Social Affairs
MINASCOF	Ministry of Social Affairs and the Status of Women
MINEDUC	Ministry of National Education
MINEFI	Ministry of the Economy and Finance
MINFOPRA	Ministry of the Civil Service and Administrative Reform
MINJES	Ministry of Youth and Sports
MJS	Ministry of Youth and Sports
MSAP	Ministry of Health and Public Welfare
MTLS	Ministry of Labour and Social Legislation
RGDH	General Population and Housing Census
SDPF	Sub-department for the Promotion of the Family

Introduction

1. Cameroon ratified the Convention on the Rights of the Child on 11 January 1993. It thus demonstrated its political will to work for the best interests of children and protect them from the many dangers to which they are subjected and confirmed its commitment to respect and fully implement the relevant provisions of the Convention. Well before that ratification, it had expressed its determination to promote and protect human rights.

2. The present initial report, submitted under article 44 of the Convention, contains information on the legislative, administrative, judicial and other measures taken to give effect to the provisions of the Convention. It was prepared, insofar as possible, on the basis of the general guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention, adopted by the Committee at its thirteenth session on 11 October 1996 (CRC/C/58).

3. The core document forming part of the reports submitted by States parties to the human rights treaty monitoring bodies (HRI/CORE/1/Add.109, dated 19 June 2000) contains basic data on Cameroon and general information on its geographical, economic and political structure and the general legal framework within which human rights are protected.

I. GENERAL MEASURES OF IMPLEMENTATION

4. The Convention on the Rights of the Child forms the basis for the rights of the child and is the highest-ranking legal provision that takes precedence, in the hierarchy of rules of law, over any relevant domestic legislation, as stressed by article 45 of the Constitution of Cameroon, which provides that "duly approved or ratified treaties and international agreements shall, following publication, take precedence over national laws". Cameroon, for which the well-being of children is a basic and ongoing concern, has adopted a set of legislative and institutional measures designed to protect and promote the rights of the child. The sections which follow give a general picture of these legislative, regulatory, administrative and other measures, deal with the measures taken to make the principles and provisions of the Convention widely known and briefly describe the obstacles to the implementation of the Convention.

A. Legislation and regulations

5. The list of measures, some coming before and some after the Convention, takes account of the hierarchy of legal provisions.

1. Legislation

6. The main legislation in this regard is the following:

(a) The Constitution of 2 June 1972, as amended by Act No. 96/06 of 18 January 1996;

(b) The 1804 Napoleonic Civil Code, as subsequently amended;

(c) The Code of Criminal Investigation;

(d) Act No. 58/203 of 26 December 1958 simplifying criminal procedure;

(e) The Penal Code: Acts of 12 November 1965 and 12 June 1967, as subsequently amended;

(f) The Labour Code: Act No. 92/007 of 14 August 1992;

(g) The Act of 22 July 1867 on imprisonment for debt, as amended by Act No. 58/203 of 26 December 1958 adapting and simplifying criminal procedure;

(h) The Act of 24 July 1889 of the protection of ill-treated and abandoned children;

(i) The Act of 19 April 1898 on the punishment of violence, assault, acts of cruelty and offences against children;

(j) The Southern Cameroons High Court Law 1955;

(k) Act No. 67/LF of 12 June 1967 establishing the Family Benefits Code;

(l) Act No. 68/LF/3 of 11 June 1968 establishing the Nationality Code;

(m) Act No. 69/LF/18 of 10 November 1969 establishing a pension scheme (old age, disability and survivors);

(n) Act No. 69/LF/3 of 14 June 1969 governing the use of first and last names and aliases;

(o) Matrimonial Causes Acts 1973;

(p) Act No. 83/013 of 21 July 1983 on the protection of disabled persons;

(q) Act No. 84/04 of 4 July 1984 on conditions for the adoption and guardianship of orphans;

(r) Act No. 88/016 of 16 December 1988 governing advertising in Cameroon;

(s) Act No. 88/017 of 15 December 1988 on film-making guidelines;

(t) Act No. 90/042 of 19 December 1990 establishing the new national identity card and Decree No. 99/154 of 20 July 1999 on the characteristics of the card and procedures for its preparation and issue;

(u) Act No. 90/043 of 19 December 1990 on conditions for entry into, stay in and departure from Cameroonian territory;

(v) Act No. 90/045 of 19 December 1990 simplifying criminal procedure for some offences and amending Ordinance No. 72/17 of 26 December 1972 on serious crime;

(w) Act No. 90/046 of 19 December 1990 repealing Order No. 62/OF/18 of 18 March 1962 on action to combat subversion;

(x) Act No. 90/047 of 19 December 1990 on the state of emergency;

(y) Act No. 90/052 of 19 December 1990 on freedom of social communication, as amended by Act No. 96/04 of 4 January1996 on administrative censorship;

(z) Act No. 90/053 of 19 December 1990 on freedom of association;

(aa) Act No. 90/054 of 19 December 1990 on the maintenance of law and order;

(bb) Act No. 90/55 of 19 December 1990 on public meetings and demonstrations;

(cc) Act No. 90/056 of 19 December 1990 on political parties;

(dd) Act No. 92/022 of 14 August 1992 on conditions for the election of municipal councillors;

(ee) Act No. 91/20 of 16 December 1991 on conditions for the election of deputies to the National Assembly, as amended by Act No. 97/13 of 19 March 1997;

(ff) Act No. 92/10 of 17 September 1992 on conditions for the election and temporary replacement of the President of the Republic, as amended by Act No. 97/020 of 9 September 1997;

(gg) Act No. 96/03 of 4 January 1996 containing the health framework law;

(hh) Act No. 97/019 of 7 August 1997 on the control of narcotic drugs, psychotropic substances and precursors and on extradition and judicial assistance in connection with trafficking in children, psychotropic substances and precursors;

(ii) Act. No. 98/004 of 14 April 1998 on education guidelines in Cameroon;

(jj) Act No. 98/006 of 14 April 1998 on tourism;

(kk) Act No. 99/014 of 22 December 1999 on non-governmental organizations.

2. Ordinances

7. The second tier of legal provisions is composed of ordinances:

(a) Supreme Court (Civil Procedure) Rules, CAP 211, and the Magistrates Court Ordinance 1948;

(b) Children and Young Persons Ordinance, CAP 132 of the 1958 Revised Laws (applicable in the former western Cameroon);

(c) Criminal Procedure Ordinance of the 1958 Laws of the Federation of Nigeria, chapter 43;

(d) Juveniles Courts Rules, CAP 32 of the 1958 Laws of the Federation of Nigeria;

(e) Ordinance No. 72/4 of 26 August 1972 and later amendments on the organization of the judiciary;

(f) Ordinance of 23 December 1958 on the protection of children and young people at risk;

(g) Ordinance No. 81/02 of 29 June 1981 on the organization of the civil register and various provisions on the status of natural persons;

(h) Ordinance No. 72/05 of 26 August 1972 on judicial and military organization, subsequently amended.

3. Decrees

8. Decrees come next:

(a) The Decree of 30 November 1928 establishing special courts and the probation system for minors;

(b) The Decree of 30 October 1935 on the protection of children;

(c) The Decree of 23 September 1954 on the family record book;

(d) Decree No. 61/94 of 21 June 1961 establishing the High Commission for the Protection of Children at Risk;

(e) Decree No. 68/DF/253 of 10 July 1968 on general conditions for the employment of domestic and household workers, as amended by Decree No. 76/162 of 22 April 1976;

(f) Decree No. 69/DF/287 of 30 July 1969 on apprenticeship contracts;

(g) Decree No. 71/DF/343 of 22 July 1971 on the control of cinematographic films and sound recordings;

(h) Decree No. 72/461 of 2 September 1972 on the organization and operation of the Minors' Care and Observation Centre (CAO) in Douala;

(i) Decree No. 73/115 of 22 March 1973 on the organization and operation of the Buéa Borstal Institute;

(j) Decree No. 73/333 of 25 June 1973 on the organization and operation of the Cameroon Juvenile Institute (ICE) in Betamba;

(k) Decree No. 77/495 of 7 December 1977 on conditions for the establishment and operation of private welfare agencies;

(l) Decree No. 82/412 of 9 September 1982 on the procedure for granting State relief to indigent and needy persons;

(m) Decree No. 85/25 of 26 February 1985 on the organization and operation of home-workshops for young women in Douala;

(n) Decree No. 87/1115 of 17 August 1987 on the procedure for the establishment and operation of special civil register centres;

(o) Decree No. 89/141 of 27 January 1989 reorganizing the National Centre for the Rehabilitation of Disabled Persons;

(p) Decree No. 90/524 of 23 March 1990 establishing the National Commission to Protect Children at Risk, Juvenile Delinquents and Abandoned Children;

(q) Decree No. 90/1516 of 28 September 1990 on the procedure for the implementation of Act No. 83/013 of 21 July 1983 on disabled persons;

(r) Decree No. 90/1516 of 26 November 1990 on the procedure for the implementation of Act No. 83/13 of 21 July 1983 on the protection of disabled persons;

(s) Decree No. 90/1483 of 9 November 1990 on conditions and procedures for the operation of drinking establishments;

(t) Decree No. 90/462 of 9 November 1990 on applications for permission to engage in film-making activities;

(u) Decree No. 92/052 of 27 March 1992 on the prison system in Cameroon;

(v) Decree No. 92/456/PM of 24 November 1992 establishing and organizing the National Committee to Combat Drug Abuse;

(w) Decree No. 95/040 of 7 March 1995 organizing the Ministry of Public Health;

(x) Decree No. 96/379 of 14 June 1996 establishing the National Committee for the Social and Economic Rehabilitation and Reintegration of Disabled Persons;

(y) Decree No. 98/069 of 4 May 1998 on the organization of the Ministry of Social Affairs;

(z) Decree No. 98/109 of 8 June 1998 establishing the Technical Committee to Monitor the Implementation of International Human Rights Instruments;

(aa) Decree No. 98/153 of 24 July 1998 organizing the Ministry for Urban Affairs.

4. Orders

9. Many orders relate to the rights of the child:

(a) Order No. 3945 of 4 August 1953 on assistance for blind persons in Cameroon;

(b) Order No. 16 of 27 May 1969 on female labour;

(c) Order No. 17/MTLS/DEGRE of 27 May 1967 on child labour;

(d) Order No. 16/MTLS/DEGRE of 27 May 1967, annex, listing work prohibited to children and women;

(e) Order No. 2/CG/JS/EP of 15 February 1977 on the organization and operation of school holiday facilities;

(f) Interministerial Order No. 242/L/729/MINEDUC/MJS of 25 October 1979 organizing after-school and extracurricular activities (under review);

(g) Order No. 477/CAB/PR of 22 September 1986 establishing the Douala home-workshop;

(h) Order No. 89/003/A/MINASCOF of 2 April 1989 establishing social welfare offices in the external departments of some ministries and public bodies (prisons, police stations, universities, high schools, hospitals and medical and social welfare centres);

(i) Order No. 002/MJS/DJA/SA of 12 July 1990 organizing and operating youth and community activity centres in Cameroon;

(j) Order No. 018/A/MJS/DGA of 27 December 1990 establishing youth and community activity centres throughout the national territory;

(k) Joint Order No. 00001/MINEFI/MINAS of 7 March 1991 giving effect to article 13 of Finance Act No. 90/001 of 29 June 1990 on the budget assessment and allocation of MINASCOF specialized agencies and determining how the share of these agencies is to be used;

(l) Interministerial Order No. 040/AI/MSP/SG/DSPM/SDSF/SN/BCDA/060/AI/ MINDIC/DC/SDDC/SD of 6 October 1993 on the marketing of mothers' milk substitutes;

(m) Order No. 0153/A/MSP of 15 February 1996 establishing and organizing a [word omitted] at Yaoundé Central Hospital;

(n) Joint Order No. 99/0012/MINEFI/MINFOPRA/MINAS of 8 June 1999 opening education spaces and social welfare services in the Ministry of Social Affairs.

5. Ministerial instructions

10. A number of ministries publish instructions relating to various activities:

(a) Ministerial Instruction No. 83/0026/I/MINAS/DDS/SPIS of 29 September 1983 on specifications for community education (EMO);

(b) Instruction No. 87/000085/I/MINAS/SG/DDS/STDJ of 14 July 1987 on vocational training programmes in residential rehabilitation centres;

(c) Ministerial Instruction No. 001/IM/MJS/DGA/S2 of 8 April 1988 on the teaching functions of youth and community activity centres;

(d) Ministerial Instruction No. 001/IM/MJS/DGA of 23 January 1990 on the administration and management of youth and community activity centres;

(e) Ministerial Instruction No. 002/IM/DJA/SA of 16 July 1990 on the operation of mobile community development teams;

(f) Ministerial Instruction No. 91/00114 of 8 July 1991 on the new management policy of specialized establishments;

(g) Ministerial Instruction No. 92/193/I/MINASCOF/SG/DPIF/SDDS/SEMO of 30 December 1992 on the functions of specialized community education instructors;

(h) Ministerial Instruction No. 93/00723/MINASCOF/SG of 1 April 1993 determining the functions of prison social welfare officers;

(i) Ministerial Instruction No. 93/00723/MINASCOF/SG of April 1993 determining the functions of court social welfare officers;

(j) Ministerial Instruction No. 93/00739/MINASCOF/SG of 2 April 1993 determining the functions of medical and social services social welfare officers;

(k) Ministerial Instruction No. 93/00739/MINASCOF/SG of 2 April 1993 determining the functions of Mother and Child Protection Centres (PMI) social welfare officers;

(l) Ministerial Instruction No. 93/00740/MINASCOF/SG of 2 April 1993 determining the functions of the school social welfare service;

(m) Ministerial Instruction No. 93/00770/MINASCOF/SG of 7 April 1993 determining the functions of hospital social welfare officers.

6. Circulars

11. Circulars are the last type of legislative text:

(a) Circular No. 9062/AAJS of 8 April 1965 on pre-trial detention;

(b) Circular No. 9062/DAJS of 12 May 1965 on supervision of pre-trial detention;

(c) Circular No 9062/DAJS of 5 December 1966 on supervision of pre-trial detention;

(d) Circular No. 9062/DJAS of 15 July 1967 on pre-trial detention of minors;

(e) Circular No. 300018/DJAS/of 8 July 1968 on juvenile delinquents and runaway children;

(f) Circular No. 66/5435/PGY of 30 June 1969 on juvenile delinquency and placement in the Cameroonian Juvenile Institute in Betamba;

(g) Circular No. 522/MSAP/DAS/BDI of 27 June 1974 on methods of investigation in relation to the adoption of children;

(h) Circular No. 10/A/562/MINEDUC/ESG/DETP/DEPE/DDP of 19 January 1980 on student pregnancies in public and private schools in the Republic;

(i) Circular letter No. 81/0018/LC/MINAS/SPFI of 18 September 1981 on the authorization of temporary child custody;

(j) Circular letter No. 80/L/658/MINEDUC/CT2 of 13 January 1986 on admission of disabled children and children of disabled parents to public and private schools;

(k) Circular No. 17/B1/1464/MINEDUC/ESG/SCP of 20 April 1987 on the student dress code of conduct;

(l) Circular letter No. 15/B1/2928/MINEDUC/DESG/SGP/BF of 2 February 1989 on raising awareness of drug problems in schools;

(m) Circular No. 9062/MINJUSTICE/DAJS of 18 October 1989 providing for the reduction of pre-trial detention for minors to a minimum;

(n) Circular letter No. 90/02759/LC/MINASCOF/SDPF of 5 December 1990 containing a reminder on procedures for the temporary custody of abandoned children;

(o) Circular letter No. 91/01047/LC/MINASCOF/SG/DPIF/SDPF on supervision of private welfare agencies;

(p) Circular letter No. 005/LC/MJS/DJA/SJL of 30 March 1992 on conditions for the opening, rules and regulations and operation of school holiday facilities in the Republic of Cameroon;

(q) Circular No. 21/B1/10251/MINEDUC/CAB of 27 April 1993 on the monitoring of health and hygiene conditions in schools;

(r) Circular No. 9471/DAJS of 16 September 1993 on the implementation of civil register legislation;

(s) Circular No. 7128/DAJS of 27 January 1995 on pre-trial detention of minors.

B. Other measures

12. Institutional and administrative measures in support of the above-mentioned legislation and the promotion of the well-being of children are referred to below. In the context of the institutional structure of the State, responsibility for the protection of the rights and the promotion of the well-being of children is vested primarily in the Ministry of Social Affairs, as organized by Decree No. 98/069 of 4 May 1998 and entrusted, inter alia with the tasks of preparing and monitoring the implementation of the relevant policies and programmes. The central services of the Ministry of Social Affairs thus include the Department for the Well-being of Families and Children, which has a sub-department for the protection of children that is composed of:

The Residential Rehabilitation Service;

The Probation and Community Education Service; and

The Infant Protection Service.

13. In accordance with article 23 of the above-mentioned Decree, the State also deals with the situation of disabled children in planning and implementation facilities. The National Solidarity Department and, in particular, the Rehabilitation Service thus coordinate and monitor the implementation of policies and programmes on behalf of disabled children at the central level. These core facilities supervise and coordinate external services, such as the provincial and departmental social welfare offices, social welfare centres and operational technical units, which include child welfare services and offices (arts. 42 et seq. of the above-mentioned Decree).

14. The all-important task of promoting the well-being of children is not the sole responsibility of the Ministry of Social Affairs, which also interacts with the other ministerial departments concerned, including the Ministries of Local Government, Communication, Culture, Economy and Finance, National Education, Public Investment and Reginal Planning, Youth and

Sports, Justice, Foreign Affairs, Public Health, Labour, Employment and Social Welfare, Town Planning and Housing and Urban Affairs. Studies are also being carried out on the institutionalization of the Children's Parliament.

15. What is involved is thus a multisectoral approach. The former Ministry of Social Affairs and the Status of Women (MINASCOF) prepared a "framework-document" entitled "Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s". Its implementation dates back to July 1995. The 1990 National Population Policy Declaration is part of this approach.

16. Other strategic measures that have been taken include:

(a) The National Education Strategy for Responsible Parenthood (EPR), which has been implemented since 1990 and consists of three volumes containing the Strategy Declaration, the Education Programme and Teaching Profiles. The Strategy has four main components: sex education, childbirth education, family life education and community life and development education;

(b) The establishment, by Decree No. 90/524 of 23 March 1990, of the National Commission to Protect Children at Risk, Juvenile Delinquents and Abandoned Children.

The Ministry of Social Affairs (MINAS) also oversees private welfare agencies and other associations involved in the protection of the rights and the promotion of the well-being of children.

C. Measures to disseminate information on the Convention

17. Although ignorance of the law is not an excuse, measures have to be taken to disseminate information on legislation creating rights and obligations. With regard to the Convention on the Rights of the Child, measures were taken by the authorities after its ratification to ensure that information on it was provided systematically or at least sporadically. In addition to publication in the Official Gazette, information is disseminated in the following ways:

(a) Communication by the media through lecture notes, summaries and radio broadcasts and programmes, such as: "Church and development", "For women", "My friend Babel", "Women's rights", and "Social development". There are also television programmes, such as: "For young people", "The verdict", "For kids" and "The law situation";

(b) Advocacy and mobilization during events such as National Youth Day, the Day of the African Child, the International Day of Disabled Persons, the International Day for Natural Disaster Reduction and the International Day of Families, which are opportunities for raising awareness of the importance of the rights of the child;

(c) Action by MINAS officials through information and education activities and communication with youth associations in schools by means of lectures, educational talks and the distribution of illustrated pamphlets, booklets, posters and banners, as well as copies of the Convention on the Rights of the Child;

(d) Use of rural radio broadcasts to disseminate information on human rights in local languages;

(e) Translation and dissemination of information on the Universal Declaration of Human Rights in simplified terms;

(f) Organization of seminars and workshops, such as:

(i) The Seminar on Children in Conflict with the Law (1993);

(ii) The National Seminar on the Rights of the Child in Cameroon (1995);

(iii) The Seminar on Ill-Treatment of Minors in Cameroon (1995);

(iv) The Subregional Seminar on Children in Particularly Difficult Situations, which led to the establishment of a four-year national programme of action for the benefit of 6,000 children (1996);

(v) The Seminar on "Legislation on children in conflict with the law in Cameroon", which was held in Yaoundé from 28 July to 1 August 1997 and one of the recommendations of which was the implementation of a strategy on the review and harmonization of legislation;

(vi) The International Seminar on Child Labour, which was held in Yaoundé in October 1997 and which led to the adoption of the National Plan of Action for the Elimination of Child Labour;

(vii) The first National Symposium on the Family and the Social Rehabilitation of Children as a Strategy for Street Survival in Cameroon, held from 1 to 3 July 1993;

(viii) Seminars on street children held in Douala and Garua, from 1 to 12 and from 14 to 20 December 1997, which led to the adoption of a plan of action for street children;

(ix) Workshops on school attendance by girls and non-formal education, held in Ngaoundéré and Garua;

(x) The International Round Table on the Eradication of Female Sexual Mutilation through the Use of Community Approaches, held from 11 to 13 May 1998 in Yaoundé. The Round Table was followed by a seminar on the adoption of a national plan of action to combat female sexual mutilation, held in Marua in December 1998;

(xi) The MINAS-UNICEF programme to raise the awareness of opinion leaders of the promotion of and respect for the rights of the child.

As may be noted, efforts of all kinds are being made to provide specific information on the Convention on the Rights of the Child in Cameroon, even though there are still many obstacles which it should be possible to overcome.

D. Obstacles to the implementation of the Convention

18. The obstacles to the full implementation of the Convention on the Rights of the Child in Cameroon include:

(a) Insufficient coordination of sectoral policies relating to children;

(b) The existence of widely varying legislation, some of which is unsuitable and some outdated;

(c) The economic recession, with the resulting reduction in government spending and the adverse impact on funding for social services and for children, in particular;[1]

(d) The continued existence of backward customs and traditions, especially the perception of the child simply as a human being in the making without any rights in a gerontocratic society, on the one hand, and discriminatory gender practices in the education of girls and boys, on the other.

II. DEFINITION OF THE CHILD

19. In ratifying the Convention on the Rights of the Child, Cameroon endorsed the definition of the child given therein. A child is thus "Every human being below the age of 18 years, unless, under the law applicable in the country, majority is attained earlier." The fact that there may be more than one age of majority, depending on circumstances or activities, is a legal derogation from this definition.

20. In civil law, the age of majority is 21 years, according to article 488 of the Civil Code (legal capacity, consent, medical counselling without parental consent, sexual consent). A minor may, however, be emancipated by court order or automatically by marriage. With regard to marriage and according to article 52-1 of Order No. 81/02 of 29 June 1981 on the organization of the civil register, "No marriage may be celebrated if the girl is below the age of 15 years or the boy below the age of 18 years, except under an exemption granted by the President of the Republic for serious reasons." A young woman may thus be emancipated by marriage as of age 15, but, in order to protect her, particularly from fraud, the prior authorization of her parents or guardians is required.

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[1] Public funding for layettes for newborns of indigent families dropped from CFAF 23 million in 1985/1986 to CFAF 3.5 million in 1990/1991, i.e. from 100 per cent to 14 per cent (MINASCOF, General Inspection Department, 1991 inspection report).

21. In electoral law, article 11 of Act No. 91/020 of 16 December 1991 on conditions for the election of deputies to the National Assembly and article 12 of Act No. 92/010 of 17 September 1992 on conditions for the election and replacement of the President of the Republic provide that the age of majority is 20 years.

22. In social matters, according to article 1 of Order No. 17 of 27 May 1969 on child labour, "Any person of either sex, whether a wage earner or an apprentice, who is below the age of 18 years shall be regarded as a minor." However, the annex to Order No. 16 of 27 May 1969 contains a list of work prohibited to minors. According to article 86-1 of the Labour Code, moreover, "Minors may not be employed in any enterprise, even as apprentices, before the age of 14, except as otherwise provided by order of the Minister of Labour in the light of local circumstances and the work that may be required of them." On 14 April 1998, Cameroon adopted a law authorizing the President of the Republic to ratify ILO Convention No. 138 on the Minimum Age for Admission to Employment and thus considers that the minimum age for admission to employment or work is 14 years, in accordance with its domestic legislation. According to the regulations in force, no minor below the age of 18 may be recruited into the armed forces and the police, except as otherwise decided by the parents. Article 13, paragraph 1 (b), of Decree No. 94/199 of 7 October 1994 containing the staff rules of the Government civil service provides that "No one may be recruited as a civil servant if he is not at least 17 years old."

23. As far as schools are concerned, the provisions of the Constitution and of article 9 of Act No. 98/004 of 14 April 1999 on education guidelines in Cameroon provide that primary education is compulsory, but do not refer to any age limit for school attendance.

24. In criminal law, the age of majority is 18 years, according to article 80 (4).

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

25. The principle of non-discrimination is embodied in the Constitution, the preamble of which reads:

> "All human beings, without distinction as to race, religion, sex or beliefs, possess inalienable and sacred rights.
>
> All human beings are equal in rights and in duties.
>
> The State guarantees all citizens the necessary conditions for their development.
>
> The State guarantees the protection of minorities and preserves the rights of indigenous peoples in accordance with the law."

26. This non-discrimination extends to education, where there is no segregation between boys and girls. Thus, according to article 7 of Act of No. 98/004 of 14 April 1998 on education guidelines in Cameroon: "The State shall guarantee everyone equal opportunities for access to education without discrimination as to sex, political, philosophical or religious opinion and social, cultural, linguistic or geographical origin."

27. With regard to social protection and security, there is legislation designed to prevent the marginalization of the vulnerable category of children, such as:

(a) The Decree of 30 October 1935 on the protection of children, which emphasizes guidance for children neglected or abandoned by their parents and for orphans by placing them in special institutions or in State care;

(b) Act No. 83/013 of 19 July 1983 on the protection of disabled children, especially with regard to educational and medical and social welfare assistance;

(c) Article 61 of the Labour Code, which embodies the principle of equal pay for equal work, regardless of sex, age, status or religion;

(d) The Ordinance of 29 June 1981 on the organization of the civil register, articles 43, 45 and 46 of which facilitate the recognition of children born out of wedlock.

In addition to these general provisions, specific measures have been taken in favour of certain population groups, such as girl children, disabled children, minorities and marginal population groups (Pygmies, Bororos, Mafa).

28. Factors such as social prejudices, customary and religious practices and early marriages create an imbalance in the school enrolment of girls and boys. To remedy this situation, the State has adopted incentive-based measures for girls, particularly with regard to the age of admission to industrial and commercial technical education schools (CETIC), which is 14 years for girls and 13 years for boys. Some legislation which excluded girl children from school on account of pregnancy has also been repealed. Curricular No. 10/162/MINEDUC/ESG/DERP/ DEPF/DDP of 19 January 1980 on pregnancy of students in public and private schools in the Republic of Cameroon allows a girl to be suspended during pregnancy and readmitted after she has given birth.

29. A set of institutional measures has also been adopted to provide guidance for girl children:

(a) The UNICEF-MINEDUC-MINAS education programme for girls, consisting of the following:

(i) Non-formal basic education;

(ii) Programme on guidance for girl children through the Centres for the Advancement of Women;

(iii) Identification of factors affecting the school enrolment rate of girls;

(iv) Progress report on school attendance by girls and their performance in scientific subjects;

(v) Focus on girl children in the national policy document entitled "Women and development".

(b) The establishment of "social welfare-home management" centres at the neighbourhood level;

(c) The establishment of "home-workshops", specialized institutions for the rehabilitation and reintegration of young women who are socially maladjusted, at risk or from needy families; because of financial problems, only one home-workshop is in operation in Douala; it was established by Order No. 477/CAB/PR of 22 September 1986;

(d) The establishment of youth and community activity centres and non-informal education institutions operating on the basis of alternative training and personalized teaching offering participants the possibility of developing their creativity and business sense with a view to fuller socio-occupational integration; the target groups are young school dropouts aged at least 12 years; there are about 318 youth centres (11 provincial, 56 departmental and 251 district centres).

30. Action has also been taken on behalf of disabled children, including:

(a) Care of children with special educational needs and school assistance for disabled children with destitute parents;

(b) Medical assistance for medicines, surgery and medical evacuation;

(c) Facilitation of access by disabled children to education, sports and recreation.

31. There are two types of sports associations for disabled children:

(a) Sports and cultural associations for the disabled, such as Handisport-Cameroon;

(b) The Cameroonian Sports Federation for Disabled Persons (FECASH), which has just been established.

32. The State guarantees the school enrolment of children from marginal groups by granting special educational assistance in cooperation with NGOs.

33. The above-mentioned action by the State nevertheless encounters certain obstacles, such as:

(a) Problems in settling nomad populations, which make it difficult to keep track of them;

(b) Customary types of resistance which are contrary to the law and perpetuate discriminatory practices, especially against girls;

(c) Unsuitable programmes and approaches which do not always take account of the real needs of the people for whom they are intended;

(d) The job crisis resulting from economic problems, which have contributed, inter alia, to the growth of the problem of the exploitation of child labour as a result of poverty; this particular category of workers is not supervised by the labour inspector because of the informal nature of the activities involved.

An appropriate solution to these problems requires the strengthening of institutional and technical capacity and an increase in the human resources of the institutions responsible for designing and implementing State policy and monitoring conditions of employment.

B. Best interests of the child (art. 3)

34. On the basis of the provisions of article 3 of the Convention on the Rights of the Child, the preamble of the Constitution states, in general terms, that "The nation shall protect and promote the family as the natural foundation of society. It shall protect women, young people, the elderly and the disabled." A set of criminal, civil, social and administrative provisions reflects the fact that the best interests of the child are taken into account at the national level.

35. These measures take the form both of substantive and procedural criminal laws.

(a) As to substantive laws, chapter V of book II of the Penal Code makes offences against children and the family punishable. It covers a wide range of offences: abortion (art. 337); slavery and bondage (art. 342); prostitution (art. 343); corruption of minors (art. 344); public indecency in the presence of a minor aged under 16 (art. 346); homosexuality (art. 347); public access to and consumption of alcohol beverages (art. 348); abuse of weaknesses (art. 349); child abuse (art. 350); kidnapping of minors (art. 352); kidnapping involving fraud and violence (arts. 353 and 354); forced marriage (art. 356); excessive dowry requirements (art. 357); desertion of the home (art. 358); incest (art. 360);

(b) With regard to procedure, special measures have been adopted to protect children, both during the preliminary investigation and during trial and sentencing. Article 27, paragraph 2, thus provides that "If a woman who has been sentenced to a term of imprisonment is pregnant or has just given birth, she shall start serving her sentence only six weeks after the child is born." Article 27, paragraph 4, states that "A husband and wife sentenced to less than one year's imprisonment and not imprisoned as of the day of the trial may, at their request, not serve their sentences at the same time, if, having proved that they have the same domicile, they have responsibility for and custody of a minor below the age of 18 years." When a minor is being prosecuted, Ordinance No. 58/1301 of 23 December 1958 provides that he may be tried in chambers or behind closed doors so that the public nature of the proceedings will not be prejudicial to him.

36. In civil matters, the best interests of the child are an ongoing concern. For example, the custody of the child when a marriage is in crisis (separation or divorce) is awarded to the parent who is best suited to assume such custody; alimony is ordered for the maintenance of children; parents are liable in civil law for any loss or injury caused by their children (art. 1384-1 of the Civil Code); adoption may take place only if it is in the interests of the adoptee; and the reserved portion has the effect of keeping three quarters of the estate of the deceased exclusively for the children.

37. In social matters, specific measures have been taken to protect the best interests of the child. They relate primarily to conditions for the hiring of children and the nature of the work to be performed. With regard to hiring, Ministerial Order No. 171/MTLS/DEGRE of 27 May 1969 on child labour provides that the working day in industry is eight hours at most, with a rest period of at least one hour a day for minors below the age of 16. Order No. 16/MTLS/DEGRE of 27 May 1969 also contains a list of types of work that may not be performed by children. Under article 82 of the Labour Code, children are excluded from night work in industry between 10 p.m. and 6 a.m. The annual leave of minors below the age of 18 is increased from one and one-half days to two and one-half days per month (art. 90 of the Labour Code). The above-mentioned Ministerial Order No. 17 prohibits children from performing work for which they are not strong enough, as well as work that is unhealthy or dangerous or likely to undermine their morals. Women who are pregnant or who are breastfeeding have special leave to take care of their infants.

38. These are all specific public policy measures. The penalties for anyone who does not comply with the provisions of articles 82, 86 and 90 of the Labour Code on child labour are the following:

(a) Article 167 of the Labour Code provides for a penalty of CFAF 100,000 to CFAF 1 million for failure to comply with the provisions of articles 86 and 90 on the minimum age and paid leave;

(b) Article 168 increases this fine from CFAF 200,000 to CFAF 1.5 million for failure to comply with article 82 on night work;

(c) Article 190 provides for a penalty of six days to six months' imprisonment in the event of repeated violations of these articles.

39. In administrative matters, the following bodies have been established to ensure that the best interests of the child are taken into account: the National Committee to Combat Drug Abuse; the National Committee for the Social and Economic Rehabilitation and Reintegration of Disabled Persons; the National Commission for the Protection of Children at Risk, Juvenile Delinquents and Abandoned Children; the National Commission on Health and Safety at Work; the National Prison Administration Commission; and the Technical Committee to Monitor the Implementation of International Human Rights Instruments.

40. With regard to health, the reorganization of primary health-care services gives priority to maternal and child health through the introduction in the minimum activities package of maternal and child health activities involving health training and the improvement of health and nutritional education for mothers. Emphasis is also being placed on preventive medicine, including the monitoring of pregnancies, vaccinations, the improvement of conditions of hygiene, action to combat transmissible diseases and AIDS and the use of traditional medicine.

41. It may, however, be noted that these measures do not always achieve the desired results because material and financial resources are lacking.

C. The right to life, survival and development (art. 6)

42. The right to life is provided for in the Constitution, the preamble of which states that: "Every person has the right to life and to physical and moral integrity." This is reflected in a set of criminal, civil and social provisions.

43. In terms of criminal law, there are legislative texts which protect the child from conception until birth and throughout childhood. Reference may be made to: the non-application of the death penalty to a pregnant woman prior to childbirth (art. 22, para. 3); the refusal to pay alimony (arts. 180 and 181); arbitrary arrest and detention (art. 291); forced labour (art. 292); procuring (art. 294); abortion (art. 337); violence against a pregnant woman (art. 338); slavery and bondage (art. 342); infanticide (art. 350); and forced marriage (art. 356).

44. Although there are no specific provisions to punish female genital mutilation, persons responsible for such an act may be prosecuted on the basis of article 277 of the Penal Code, which reads: "Anyone who causes another person to be permanently deprived of the use of all or part of a member, an organ or a sense shall be liable to 10 to 20 years' imprisonment."

45. In civil and social welfare terms, legislative and institutional measures have been taken to protect the life, survival and development of children, including:

(a) Article 301, paragraph 1, of the Civil Code and article 76 of Ordinance No. 81/02 of 29 June 1981 on alimony awarded to a woman abandoned by her husband and on behalf of the children;

(b) Article 38 of the Ordinance requires any person who finds an abandoned newborn child to make a statement to that effect to the police or the gendarmerie. At the request of the Attorney-General, moreover, the registry official prepares a provisional birth certificate;

(c) Article 26 of Act No. 67/LF/7 of 12 June 1967 establishing the Family Benefits Code, which provides for five types of benefits to guarantee the well-being of children:

(i) Antenatal allowances;

(ii) Maternity allowances;

(iii) Medical costs which have been incurred as a result of antenatal medical examination and which are reimbursed;

(iv) Family allowances;

(v) Daily allowance for women wage earners who are on maternity leave.

46. In addition to these legislative texts, many facilities have been established to protect the life, survival and development of children, such as:

(a) Facilities for infants and children in distress (nurseries, homes);

(b) Facilities for children in difficult situations: public and private rehabilitation institutions, youth and community activity centres;

(c) Social centres, sections and sectors, home management centres, home-workshops, centres for the advancement of women, education spaces;

(d) Health work, which includes health training at the central, provincial and district levels;

(e) Specialized centres for disabled persons, which include functional rehabilitation, special education and vocational training institutions.

47. With regard to the registration of the death of children, articles 78 to 80 of Ordinance No. 81/02 of 29 June 1981 require any person with knowledge of the death of an individual to make a statement to that effect to the competent authorities.

D. Respect for the views of the child (art. 12)

48. According to article 12 of the Convention, "States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child." The preamble of the Constitution generally provides for the right to freedom of expression of all citizens, stating that: "Freedom of communication, freedom of expression, freedom of the press, freedom of assembly, freedom of association, trade union freedom and the right to strike shall be guaranteed under the conditions determined by law."

49. The following legislation has been adopted to protect and guarantee the exercise of these freedoms: Act No. 90/53 of 19 December 1990 on freedom of social communication; and Act No. 90/53 of 1990 on freedom of association.

50. In specific terms, the views of the child are often taken into account, either directly or by representation (parent, guardian, legal representative), in legal and administrative proceedings, as in the case of the award by the court of custody of the child in divorce or separation proceedings, in marriage (art. 52, para. 1, and art. 64, para. 1, of Ordinance No. 81/02 of 19 June 1981; art. 238 of the Civil Code) and in hearings in the Council Chamber.

51. In addition, administrative measures have been adopted to enable children to express their views. For example, children presented the Convention at the ordinary session of the National Assembly in June 1991 to request its ratification, which took place in 1993. On 2 September 1993, Yaoundé street children, who had the support of various associations, submitted their case to the Prime Minister in order to draw the Government's attention to their situation.

52. Similarly, the children of Cameroon, together with other African children, were offered a platform and addressed the African Heads of State meeting in Yaoundé at the thirty-second ordinary session of OAU in July 1996 in order to express their views on the armed conflicts decimating the continent. Cameroon also tried out two meetings of the Children's Parliament in June 1998 and 1999, during which "parliamentary" children put oral questions on matters such as education, health, action to combat corruption and street children. Studies are under way to institutionalize this forum for the expression of views by children. Various other opportunities are offered to children, either in schools or in the media, for the expression of their views, including the presence of students in school management committees.

53. It should nevertheless be pointed out that these efforts to guarantee respect for the views of children may go against the tide of certain traditions which regard children merely as human beings in the making who must, until they reach maturity, submit to the gerontocratic law of the community.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name, nationality and preservation of identity (arts. 7 and 8)

54. According to article 7 of the Convention, "The child shall be registered immediately after birth and shall have the right from birth to a name and to acquire a nationality." This concern is fully reflected in Cameroonian legislation.

1. Legal recognition of births

55. Ordinance No. 81/2 of 29 June 1981 organizing the registry office and containing provisions on the status of natural persons governs the legal recognition of births, marriages and deaths. Article 30 makes it an obligation to declare a birth to the registry official in the place of the birth within 30 days following childbirth. Article 31 reads: "When a child is born in a hospital, the head of the hospital or, in his absence, the doctor or any person who assisted the woman is required to declare the birth of the child within the following 15 days." If the birth has not been declared within this time limit, the parents of the child have an additional 15 days in which to make the declaration to the registry official in the place of the birth.

56. With regard to abandoned children, the Ordinance provides that anyone who finds an abandoned newborn child is required to make a statement at the nearest police or gendarmerie station (art. 38, para. 1), which will prepare a detailed report indicating not only the date, time, place and circumstances of the discovery and the apparent age of the child and its sex, but also any particular information which might help identify the child and the person to whom his

custody is temporarily entrusted (art. 38, para. 2). At the request of the Attorney-General, the registry official draws up a temporary birth certificate under the conditions provided for by law (art. 38, para. 3).

57. With a view to these operations for the registration and legal recognition of births, article 10, paragraph 1, of the Ordinance provides that "A registry centre shall be opened in each commune and in each diplomatic or consular mission of Cameroon abroad." In order to bring the administration closer to its customers, moreover, an order of the Minister of Local Government may establish "one or more special registry centres in a commune when warranted by the size of the commune, the density of its population and communication problems" (art. 10, para. 2).

58. Registry officials and secretaries are appointed on the proposal of the local administrative authorities. Refresher courses on how the centres operate and civil registers are kept are organized for such staff in the main towns of departments and provinces.

59. Despite these legal and administrative provisions, there are still problems with the registration of births because of the lack of facilities, the remoteness of some areas, the high cost of medical fees for childbirth, certain customary practices and the ignorance of some parents.

2. Naming

60. Naming and the use of names are governed by Act No. 69/LF/3 of 14 June 1969 governing the use of first and last names and aliases and Order No. 81/02 of 29 June 1981 on the organization of the registry office. The first and last names of children are freely chosen by the parents. In the case of a foundling, the first and last names are chosen by the person who has found him or by the registry official who receives the statement (art. 35 of the above-mentioned Ordinance of 29 June 1981).

61. In order to protect the dignity and honour of the child, giving him a first or last name which is improper and plainly ridiculous under the law and according to public morals, customs and beliefs is prohibited. In such a case, the registry official is required to refuse to put the first or last name in the record and the person making the statement is invited to propose another first or last name or to bring the matter before the president of the competent court within the time limit provided for by law (art. 35, para. 3). The following may be included in birth certificates: names used in tradition, religious names and names of historical figures (art. 36).

3. Nationality

62. Nationality is governed by Act. No. 68/LF/3 of 11 June 1968 containing the Cameroonian Nationality Code. According to article 6 of the Act, the following are Cameroonian: legitimate children born of Cameroonian parents and natural children, when the two parents in respect of whom descent is established are Cameroonian. Article 7 of the Act provides that the following are also Cameroonian: legitimate children one of whose parents is Cameroonian and children born out of wedlock, when the parent in respect of whom descent was first established is Cameroonian. In any event, when one of the parents of the child is Cameroonian, the child acquires Cameroonian nationality ipso facto.

4. Preservation of identity

63. Article 12 of Ordinance No. 81/02 of 29 June 1981 on the organization of the registry office provides that "Civil register records give the date of the events recorded, the date on which they have been prepared and the last and first names, occupation, domicile and residence of the persons to whom they relate." Such records thus contain some indications of the identity of the person in question. Act No. 90/043 of 19 December 1990 establishing the new national identity card and Decree No. 99/154 of 20 July 1999 on the characteristics of and procedures for the preparation and issue of the national identity card are designed to protect the nationality and the identity of individuals.

64. There are penalties for anyone who commits acts designed to deprive a child of its descent, such as:

(a) Article 162 of the Penal Code, under which anyone who makes an untruthful statement during the establishment of a birth certificate is liable to three months to three years' imprisonment;

(b) Article 341, under which anyone whose action has the effect of depriving a child of proof of his descent is liable to 5 to 10 years' imprisonment;

(c) Article R 370, paragraph 1, which penalizes the failure of the persons present during the childbirth to make a statement. This provision also punishes anyone who has found a newborn and does not turn it over to the registry official or, if he wishes to assume responsibility for the child, does not make a statement to the registry official in the commune concerned.

B. Freedom of expression, thought, conscience and religion association and peaceful assembly (arts. 13, 14 and 15)

65. Articles 13 to 15 of the Convention on the Rights of the Child guarantee the exercise of the public freedoms of children. These public freedoms are formally embodied in the preamble of the Constitution.

66. Freedom of expression is governed by Act No. 90/052 of 19 December 1990 on freedom of social communication; in this connection, many opportunities are offered to young people both by the audio-visual media and by the written press.

67. Although the principle of freedom of thought, conscience and religion is clearly accepted, parents educate their children according to family religious values.

68. Freedom of association and freedom of peaceful assembly are governed by Act No. 90/055 of 19 December 1990 on public meetings and demonstrations, article 3, paragraph 1, of which provides that "Public meetings, whatever their purpose, shall be free", subject to a statement made in advance to the administrative authorities. In this connection, there are many sports and sociocultural associations in schools.

C. Protection of privacy (art. 16)

69. Article 16 of the Convention on the Rights of the Child provides that: "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation." Similarly, the preamble of the Constitution states that "The home shall be inviolable and searches may take place only in accordance with the law." It also states that "The secrecy of correspondence shall be inviolable. Interference with correspondence may take place only in accordance with decisions taken by the judicial authorities."

70. The Penal Code provides for penalties for the following violations of the privacy, honour and reputation of children: procuring (art. 294); indecent behaviour in private (art. 295); rape (art. 296); trespass on domestic premises (art. 299); insults (art. 306); interference with correspondence (art. 300); indecent assault on a minor below the age of age 16 (art. 346); indecent assault on a minor aged between 16 and 21 (art. 347); defamation (art. 305); incest (art. 360).

71. In addition to these provisions involving penalties, measures have been taken in connection with judicial proceedings to protect the privacy of children. A judicial investigation is compulsory for any offence committed by a minor. It is conducted secretly. Article 198 of the Code of Criminal Investigation prohibits the publication of any decision convicting a minor, as well as any means of identifying him. Article 226 punishes anyone who, without the written authorization of the Attorney-General, makes the suicide of a minor under age 18 public by any means whatever. It also punishes anyone who, except as requested in writing by the investigating magistrate, reproduces, in pictures or in any other form, all or part of the circumstances of violent offences and all offences committed against minors.

72. According to article 2 of the Decree of 13 November 1928, decisions concerning minors aged between 10 and 14 years are not included in the court records. Article 28 of the Decree reads: "Court clerks shall keep a special non-public register in which all decisions concerning minors below the age of 18 are recorded. Decisions of the Council Chamber and excerpts from the file may be communicated only to the judicial authorities and only during the period while the persons concerned are still minors. However, an excerpt of a decision provisionally or definitively entrusting a minor to an individual or to a charitable institution shall be notified to the individual or institution concerned by the justice of the peace or the prosecutor, who shall take all the necessary measures to turn the child over."

D. Access to appropriate information (art. 17)

73. Article 17 of the Convention stresses that States parties recognize the importance of ensuring that children have access to appropriate information aimed at the promotion of their social, spiritual and moral well-being and physical and mental health. Cameroon shares this concern and efforts are being made to ensure that young people have access to educational information, inter alia, through specific programmes for children in the audio-visual media, the promotion of school and municipal libraries and public reading centres, the preparation of pamphlets and brochures on topics of social benefit, the establishment of schools in prisons and the provision of audio-visual equipment in prison wings where minors are detained.

74. It should be noted that 5 provincial libraries and 17 municipal libraries are in operation.

75. Film-making activity is governed by the following legislation:

(a) Act No. 88/017 of 16 December 1988 containing guidelines for film-making activity;

(b) Decree No. 90/1462 of 18 November 1990 determining conditions for the authorization and exercise of film-making activities;

(c) Decree No. 90/1462 of 9 November 1990 establishing the National Film and Sound Recording Control Commission, which carries out prior censorship of films in order to ensure that films which might jeopardize the social, spiritual, moral or physical well-being of children are not shown;

(d) Decision No. 58/CAB/DPAV/SEE of 18 October 1995 prohibiting the operation of cinemas in video clubs.

E. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

76. Under article 37 (a) of the Convention, States parties must ensure that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment." The preamble of the Constitution emphasizes the fundamental protection of the human person, providing that "Every person has the right to humane treatment in all circumstances. Under no circumstances may any person be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

77. In order to ensure compliance with this provision, the State has adopted measures to punish anyone who jeopardizes the physical integrity or dignity of another person by means, for example, of: murder (art. 276); torture (art. 132 bis of Act No. 397/009 of 10 January 1997 amending the Penal Code); grievous bodily harm (art. 277); aggravated assault (art. 279); simple battery (art. 280); slight bodily harm (art. 281); involuntary manslaughter and injury (art. 289); arbitrary arrest and detention (art. 291); forced labour (art. 292); slavery (art. 293); slavery and bondage (art. 342); child abuse (art. 350).

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance and parental responsibilities (arts. 5 and 18, paras. 1-2)

78. The upbringing of children was traditionally the responsibility of the whole community in Cameroon. The modern concepts of uncle, aunt and cousin, in the sense that these terms are understood in the West, were essentially meaningless. Mindful of this fact, the drafters of the Penal Code took the view that, in different circumstances, a child could be under the

authority of his father, mother, guardian or the person responsible for him in customary law. Such is the tenor of articles 48 (preventive authority) and 358 (abandonment of the family home).

79. As customs have developed, however, the family has tended to become more nuclear. The responsibility of bringing up children falls almost exclusively to the parents. This is clearly expressed in statutory provisions which speak of paternal authority (arts. 371 to 387 of the Civil Code and art. 47 of Order No. 81/02 of 29 June 1981) and presumption of paternity (art. 312 of the Civil Code), which implies a connection between a child and its legal father and raises the possibility of filing a paternity suit.

80. The economic crisis, which has resulted in unemployment and a reduction in purchasing power, has considerably eroded paternal authority to the advantage of women since they are more active in this sphere. This is especially true considering the increase in the number of single-parent families in which the head of household is always female. Article 81 of the Order referred to above specifies that the mere act of giving birth implies recognition by the mother. A child born out of wedlock is therefore linked to his mother, who assumes responsibility for him. The child may, however, be recognized by his biological father through administrative or judicial channels, as provided for by articles 43 and 44 of the above-mentioned Order.

81. Just as a mother may bring a paternity suit in respect of an under-age child within the statutory time-limit, so a child may bring a similar suit as soon as he attains the age of majority or within one year of attaining the age of majority.

82. In order to ensure that a child is protected within the family environment, articles 179, 180, 355 and 358 of the Penal Code make it a punishable offence to fail to hand over a child to a person who has been granted custody pursuant to a court order, to refuse to pay child maintenance or to abandon the family home.

83. As regards the family structure, Government policy has promoted two areas, namely, the promotion and protection of population quality through the family circle (Education for Responsible Parenthood) and the provision of assistance through the Family Benefits Code and targeted benefits. The programme of parental guidance and responsibility espoused by the Cameroonian Government aims to promote family cohesion and avoid the separation of children from their parents.

B. Separation from parents (art. 9)

84. Article 9 of the Convention stipulates that a child has the right to live with his parents unless separation is in the child's best interests. The child also has the right to maintain personal relations with both parents in the event of separation from either parent. Article 203 of the Civil Code states that "By entering into marriage, spouses undertake to feed, maintain and bring up their children."

85. In certain circumstances, however, it may be desirable for a child to be separated from his parents. Grounds for separation may be marital breakdown, forfeiture of parental authority, placement of a delinquent child pursuant to an institutional care order or foster care for children

at risk. Potential foster families are identified by the Ministry of Social Affairs following a careful screening process. In all cases, when the situation has returned to normal, the child goes back to live with his own family.

86. Judicial custody and placement of children are subject to a court order and any such decision must be in the child's best interests. When one of the parents is granted custody, the other is normally allowed to see the children during the holidays or at weekends, in accordance with the right of access. If such access is not granted, the aggrieved parent may take legal action pursuant to of articles 179 and 355 of the Penal Code. Despite the provisions in force, some parents are reluctant to abide by the decisions of the courts.

87. Administrative placement with a foster family or in an institution is authorized by a social worker specializing in family matters and employed by the Ministry of Social Affairs.

88. Government policy conforms to article 9 of the Convention. Action in this field is geared towards maintaining family cohesion; strengthening indigent parents' capacity to care for their children and encouraging them to do so by providing material assistance and education for responsible parenthood; and promoting and organizing the reintegration of children at risk into their families. The search for family stability and cohesion is reflected in the preventive implementation of programmes to prepare young people for marriage, spousal education for married couples and marriage counselling for couples experiencing problems. Additionally, the community education programme is designed to cater for street children and reintegrate them into their families.

C. Family reunification, illicit transfer and non-return (arts. 10 and 11)

89. The childhood protection programme aims to keep the child in his family environment, where he can receive a basic education, support and a moral upbringing conducive to his mental and physical development. Exceptionally and for various reasons, a child may be separated from his family, whence the existence of applications for family reunification.

90. The Government, acting through the Ministry of Social Affairs and the Ministry of Foreign Affairs, pays special attention to applications regarding entry into or exit from the country, whether they originate from a child, relatives or non-governmental organizations (NGOs) and associations. Such applications involve an assessment of whatever information is relevant or necessary to form a view of the best interests of the child, in addition to the social inquiry report and input from other experts, as required.

91. When inquiries have been completed and applications considered, the Ministry of Foreign Affairs may follow one of two procedures, depending on the case:

(a) It may routinely issue entry-exit visas to requesting children or relatives through Cameroonian consulates and embassies;

(b) It may facilitate the procedure for obtaining a visa for children or relatives, resident or otherwise, through representations to accredited diplomatic and consular missions in Cameroon.

However, such applications may be rejected or subject to legal proceedings if they undermine national security, public order or public health or morals.

92. In order to combat the illicit transfer of children, the Ministry of Local Government has issued a circular prohibiting the establishment of "marriage bureaux", which are allegedly a springboard for the exploitation of young people. Likewise, in the Penal Code, article 179 (custody of a minor) and 282 (abandonment of a person lacking legal capacity) specify penalties for any breach of the provisions in force.

93. The various mechanisms provided for when an office of the International Social Service (ISS) was established in the Ministry of Social Affairs facilitate the transmission of information aimed at curbing reported instances of illicit transfer and non-return. The following statistics were recorded in 1996-1997, for example:

Nature of reported case	Number of cases	Requesting country
Action to obtain administrative, judicial or social welfare documentation in support of a threat to repatriate	18	Germany, France, Netherlands
Search for biological family by adopted child	2	France
Search for family following separation from parents	5	France, United Kingdom
Search for parents by a child abroad and vice versa	4	France, Belgium
Intercountry adoption request	12	France, Switzerland
Total	41	6

The table above indicates a preponderance of cases necessitating intervention or action by the Ministry of Social Affairs in connection with the transmission of administrative, judicial or social welfare documentation enabling a decision to be taken on the illicit transfer or non-return of an adopted child or a child living abroad.

D. Recovery of maintenance for the child (art. 27, para. 4)

94. In Cameroon, questions concerning the payment of maintenance to an abandoned child are decided on by the courts. Maintenance may be recovered amicably or by coercion. It should be noted, however, that maintenance payments are frustrated by psychological and technical factors.

(a) At the psychological level, difficulties arise because some parents are reluctant to pay maintenance to their children, as they have been ordered to do so. They cannot understand why they should concern themselves with a child who is not in their custody;

(b) At the technical level, maintenance is recoverable from the assets of the individual liable to pay. In some cases, these assets are limited to take-home pay and the maximum amount recoverable is one third of a person's earnings. However, enforced recovery is frustrated by considerable problems connected with the execution of judicial decisions in Cameroon.

Where it is absolutely impossible to recover maintenance and the child's situation necessitates urgent acceptance of responsibility, emergency assistance may be provided by the Ministry of Social Affairs. This allowance is paid to the spouse who has custody of the child.

95. In all cases, failure to pay child maintenance is a criminal offence. Article 180, paragraphs 1 and 2, of the Penal Code states that:

> "Anyone who neglects for over two months to pay in full the maintenance which he has been ordered to remit to his spouse, ascendants, or descendants, shall be liable to a term of imprisonment ranging from one month to a year and/or a fine ranging from CFAF 20,000 to CFAF 40,000. Failure to pay shall be considered intentional unless it can be proved otherwise. But insolvency resulting from habitual conduct, for example drunkenness, shall in no case be a valid excuse for the person liable."

96. This stipulation of the criminal law strengthens the provision contained in article 76 of Order No. 81/02 of 29 June 1981, which states that:

> "(1) A wife who has been deserted by her husband may take appropriate legal action to secure maintenance for children left in her charge and for herself.
>
> (2) The registrar shall summon both spouses to appear before the court within one month by means of a registered letter indicating the subject matter of the proceedings. The parties are obliged to appear in person unless they can indicate a valid reason for non-attendance.
>
> (3) The court shall reach a decision according to the needs and resources of both parties and, where appropriate, the wife may be authorized to attach a portion of her husband's earnings, the product of his work or his income.
>
> (4) Once the judgement has been handed down and registered without costs, it becomes immediately enforceable notwithstanding objections or appeals and legal aid is automatically available to pursue such appeals.
>
> (5) By the same token, pursuant to a request by the husband, a woman with an independent livelihood or personal income may be compelled to contribute to household costs."

It should be noted that the time limit fixed for appearance before the court referred to in paragraph (2) demonstrates that it was the wish of the lawmakers that proceedings should be set in motion as quickly as possible, it being assumed that payment of maintenance is a matter of some urgency.

97. In the light of the foregoing, it must be pointed out that recovery of maintenance is possible only for lawful marriages which end in divorce or judicial separation. In contrast, the situation of unrecognized children born out of wedlock is a matter of concern since there are still no legal provisions or regulations specifying that such children are entitled to maintenance.

E. Children deprived of their family environment (art. 20)

98. The main situations in which children may be deprived of their family environment are: death or separation of the parents (divorce or living apart); institutional placement; imprisonment of the parents; mental illness; forfeiture of parental authority; family dysfunction; disasters; wars; behavioural problems; and recruitment into a religious sect. Children in this category are placed under an alternative care order, either on a full-time or an interim basis.

1. Interim care

99. Interim care takes two forms, temporary custody and temporary institutional placement. Both measures are administrative in nature. Departmental circular No. 9002759/LC/MINASCOF/DPIF/SDPF of 5 December 1990, which outlines the procedures for the temporary custody of abandoned children, establishes mechanisms to protect very young children (i.e. up to three years old) who have been abandoned. Only the Minister has the power to grant temporary custody of abandoned children to an approved family.

100. Given the administrative difficulties of dealing with foundlings in Yaoundé, it is admitted that, in emergencies, the local authorities in the district where the child is found have the power to order that the child should be cared for by an approved foster family. Temporary administrative placement is decided upon by the social worker handling the case. Legally speaking, placement is part of a strategy to deal with juvenile delinquency or it is resorted to in the event of forfeiture of parental authority.

101. There exist special public bodies responsible for children under three years of age and institutions which aim to re-educate and resocialize maladjusted children aged between 10 and 18. Their function is to ensure that the various placement measures are effectively enforced. The Nkomo shelter for young children in need has room for 40 children. For socially maladjusted children, there is the Buéa Borstal Institute (120 places), the Cameroonian Juvenile Institute in Betamba (120 places), the Douala Care and Observation Centre (120 places), the Cameroonian Juvenile Institute in Marua (60 places), the Bertua Juvenile Reception Centre (60 places) and the Douala home-workshop (180 places). In the past five years, these institutions have received grants totalling CFAF 200 million.

102. Despite the best efforts of the Government, institutions such as these are scattered unevenly around the country and are currently facing operational difficulties owing to the economic recession. Fortunately, NGOs and international organizations are also supporting Government efforts by undertaking private welfare work subject to official approval.

2. Full-time care

103. This means long-term institutional placement or adoption, which are administrative and judicial measures. Institutional placement is provided for under two draft decrees. The first deals with early childhood institutions, i.e. day-care centres, childcare facilities and occasional care centres, and the second focuses on institutions for maladjusted children or juvenile delinquents, namely, re-education centres, care and observation centres, home-workshops, reception and transit centres and accommodation centres.

F. Adoption (art. 21)

104. Before commenting on the matter of intercountry adoption, we present here an overview of the legal framework with regard to adoption in Cameroon.

1. Legal framework within which adoption takes place

105. Adoption in Cameroon is regulated by a number of texts within the framework of the Civil Code, which is cited in Ordinance No. 81/02 of 29 June 1981 on the organization of the registry office and various provisions on the status of natural persons. The Ordinance lays down the categories and consequences of adoption, as well as the procedures to be followed and the conditions to be fulfilled by the adopter.

(a) Categories and consequences of adoption

106. Two categories are distinguished, namely simple and full adoption. Simple adoption may be revoked; full adoption is final. The significance of this nuance becomes more apparent when the respective consequences are taken into account.

107. In simple adoption, not only does the adopted child acquire the same inheritance rights as the children or legitimate descendants of the adopter (art. 356 of the Civil Code) but it remains a member of its original family and retains all rights therein. However, all rights of paternal authority over the adoptee are vested in the adopter (art. 351 of the Civil Code). In the case of full adoption, by contrast, the adoptee ceases to belong to his or her original family. Henceforth, the child has the same rights and duties in respect of his or her adoptive parents as would a child issuing from their marriage (art. 370 of the Civil Code). It should be noted that full adoption is permitted only in the case of children aged under five who have been abandoned by their parents or whose parents are unknown or deceased (art. 368 of the Civil Code).

(b) Procedure

108. Adoption is essentially a matter for the courts and follows defined procedures which differ slightly according to whether simple or full adoption is envisaged. As a first step, the court handling the application by the interested party meets in private on receipt of information pertinent to the case. The Attorney-General then makes a submission before the court decides whether or not there is a case for adoption. Subsequently, the decision regarding the application is announced in open court following a private inquiry and hearing (art. 369 of the Civil Code).

109. It should be noted, especially with regard to full adoption, that, in practice, the social services play a very important role prior to the judicial phase. During this pre-adoption phase, the social services responsible for young people in care undertake various activities, such as registration of prospective adopters; social inquiries; selection of foster families; issuance of consent to adoption; acceptance of responsibility for and/or family placement of children in temporary care; and referral of adoption cases to the courts. Follow-up mechanisms still need to be established to ensure that, after the social services have placed a child with a family or when an individual has found an abandoned infant and wishes to assume custody of it, the child's development is monitored and any abuses are avoided.

(c) Qualifications required of prospective adopters

110. Both couples and single persons are legally capable of adopting a child. Single persons of either sex who wish to adopt a child must be over 40 years old. Couples must have been married for more than 10 years, not be judicially separated and at least one of the spouses must be aged over 35. In all cases, the adopters must be 15 years older than the child they are thinking of adopting. In addition, at the time of adoption, they must not have any children or legitimate descendants, although the existence of children legitimized by adoption is not an obstacle to adoption.

(d) The interests of the child

111. The need to take account of the best interests of the child in matters relating to adoption runs like a connecting thread through certain legal requirements. First of all, article 343 of the Civil Code stipulates that adoption may take place only if there are reasonable grounds for proceeding and if it offers advantages for the adoptee. Furthermore, in order to ensure better integration of the child into its surroundings, various forms of consent are sought to ensure that all the parties involved agree without reservation to the arrangements. These include:

(a) The consent of the father and mother of the underage child, if they are alive;

(b) The consent of the Family Council when the parents are unknown or if they are incapable of expressing their will;

(c) The consent of both adopting spouses;

(d) The consent of the individual or charitable association having custody of the child, or the child's legal representative;

(e) The consent of the minor, if he or she has attained the age of 16.

The need to protect the child is also reflected in the opportunity granted to the child, in simple adoption cases, to revoke the adoption decision. However, the situation with regard to intercountry adoption is more complicated.

2. Intercountry adoption

112. Cameroonian law makes provision for the possibility of recourse to intercountry adoption. However, this form of adoption presents a number of shortcomings which necessitate certain adjustments in practice.

(a) The state of legislation regarding intercountry adoption

113. Article 345 of the Civil Code states that "a Cameroonian national may adopt a foreigner or be adopted by a foreigner. Adoption has no effect on nationality." The law thus paves the way for intercountry adoption, but unfortunately does not provide for any institutional monitoring or follow-up mechanisms, either before or after adoption. This situation is all the more alarming when it is borne in mind that certain placements with a view to intercountry adoption are made in an unregulated manner by family members, by NGOs and other religious organizations or by individuals.

114. With regard to children in need, efforts are being made by the Ministry of Social Affairs to ensure that there is some element of follow-up for children who have been designated for intercountry adoption. In this way, diplomatic and consular services are often approached to provide clarifications on potential intercountry adoptions. In addition, cooperation has been stepped up between the Ministry of Social Affairs and the International Social Service, a non-profit-making international organization founded in 1924 which has legal personality under article 60 of the Swiss Civil Code. ISS aims, inter alia, to collaborate in protecting children designated for intercountry adoption, in accordance with the provisions of the various Hague conventions, and to develop and maintain an international network of branches, affiliate offices and correspondents.

115. Since 1995 there has been a dedicated intercountry adoption desk in the Ministry of Social Affairs. The Ministry was also represented at a training seminar on methods and techniques in intercountry adoption cases which was held in London in October 1997. In addition, there is a mechanism for sharing information with ISS on matters concerning intercountry action procedures. This cooperation will eventually be placed on a more formal footing following the signature of a cooperation agreement between the two structures.

116. Intercountry cases that have been dealt with by the Ministry of Social Affairs involve various countries in Africa, Europe, America and Oceania. They relate to:

(a) Requests for action to obtain administrative, judicial and social welfare documents for migratory children;

(b) The situation of children whose parents settle in different countries following divorce or separation;

(c) Cross-border searches by children for their parents (and vice versa);

(d) Searches by children adopted under an intercountry procedure for their roots.

117. Some of the problems which have unfortunately been encountered are:

(a) A tendency by States to protect their nationals, generally to the detriment of the best interests of the child in question, occasionally implying a very restrictive interpretation of national laws;

(b) Access to the ISS database;

(c) Lack of up-to-date text-processing and data archiving equipment;

(d) Lack of a rapid and efficient communications network to obtain or request information on an individual, even in very remote areas.

When all is said and done, intercountry adoption is the exception rather than the rule and is only resorted to if better placement opportunities for the child are unavailable locally.

(b) Future developments

118. Studies are currently being carried out by the Ministry of Social Affairs with a view to reforming the law relating to adoption. A number of NGOs are mobilizing at the local level to persuade the authorities that it would be in Cameroon's best interest to accede to The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

G. Periodic review of placement (art. 25)

119. The frequency of medical check-ups and treatment is specified in the internal regulations of the various facilities designed to accommodate children placed in care. Generally speaking, these facilities are visited by one or a number of physicians if there is no infirmary. The physicians hold clinics during their weekly visits and seriously ill children are referred to hospital. Medical check-ups are the rule at State-run facilities because sound physical and mental health is one of the conditions for admission (except in special institutions for sick or handicapped children). In facilities where there is an infirmary, all care is provided in situ. Children's homes are equipped either with an infirmary or a hospital unit. However, these facilities lack adequate equipment and human resources.

H. Neglect or negligent treatment (art. 19), including physical recovery and social reintegration (art. 39)

120. In order to tackle neglect and negligent treatment of children, the Government has taken appropriate legal and institutional measures.

121. From the legal standpoint, it is an offence under the Penal Code to abandon a person lacking legal capacity (art. 282) or to desert the family home (art. 179). Similar provisions are contained in the Act of 19 April 1898 on the punishment of violence, assaults, acts of cruelty and offences against children. With the similar object of protecting children against neglect and violence, article 29 of the Code of Criminal Procedure states that:

> "Any duly constituted authority, public servant or official who, in the performance of his duties, is made aware of a serious or lesser indictable offence, shall be obliged to report thereon to the Attorney-General attached to the court in whose jurisdiction the said offence was allegedly committed or where the accused may be found and to transmit to him all pertinent information, official records and documents."

This provision enables all the above-mentioned parties to intervene at any time when neglect or negligent treatment of a child is reported (incest: art. 306 of the Penal Code).

122. In addition to legal safeguards, various structures exist to tackle neglect and negligent treatment of children, namely, planning and implementation facilities.

123. The planning facilities include the National Commission to Protect Children at Risk, Juvenile Delinquents and Abandoned Children, which was established by Decree No. 90/524 of 23 March 1990. The Commission is an advisory body whose role is to deliver opinions and make suggestions on any question concerning national policy in the areas of child welfare and the prevention and treatment of juvenile social maladjustment. Furthermore, Decree No. 98/069 of 4 May 1998, which established the Ministry of Social Affairs, also created the Office of Family Affairs and Child Welfare.

124. The implementation facilities are divided into childcare facilities and children's homes. Social welfare officers in schools, prisons, health care institutions, courts and police stations are on hand to deal with the frequent cases of neglect and negligent treatment in these institutions. They fulfil the role of careers for all clients. Children's homes include all institutions catering for young children and socially maladjusted children.

125. With regard to child labour and female genital mutilation, studies undertaken by the Ministry of Social Affairs have spawned a national plan to combat child labour. This plan, which was finalized in September 1997, focuses on five main areas:

(a) Sensitizing and mobilizing public opinion in respect of child labour issues;

(b) Developing and strengthening the welfare and protection of working children;

(c) Promoting education and formal and informal training;

(d) Improving and strengthening legislation on child labour and ensuring that the legislation is applied;

(e) Coordinating and monitoring action to combat child labour.

126. In addition, special facilities for street children - for example education spaces and crisis centres - have been established pursuant to a joint MINEFI/MINFORPA/MINAS Order of 8 June 1999. There are plans to increase the number of public facilities for the accommodation and supervision of young children. In order to give effect to these strategies, the Ministry of Social Affairs has targeted this group through action designed to resettle normal children with their families and promote the social and economic reintegration of socially maladjusted children. These activities focus on various matters such as accommodation, material assistance, crisis intervention, school enrolment and vocational training.

VI. BASIC HEALTH AND WELFARE

A. Disabled children (art. 23)

127. In essence, article 23 of the Convention requires States parties to take measures to ensure that disabled children enjoy access to education, training, health care, rehabilitation and vocational training with a view to promoting their autonomy and social integration. For its part, Cameroon gives urgent attention to the welfare of disabled persons through a combination of legislative, institutional and administrative measures.

128. The following legislative instruments should be noted:

(a) Act No. 83/013 of 21 July 1983 on the protection of disabled persons and its implementing regulations (No. 90/1516, 26 November 1990);

(b) Act No. 96/09 of 5 August 1996 containing the Charter for Sports;

(c) Decree No. 80/380 of 13 September 1980 establishing the Rehabilitation Institute for the Blind;

(d) Decree No. 71/DT/315 of 9 July 1971 establishing the Cameroonian National Disabled Federation;

(e) Decree No. 78/56 of 21 February 1978 establishing the National Centre for the Rehabilitation of Disabled Persons and Decree No. 89/141 of 27 January 1989 reorganizing this body;

(f) Decree No. 82/412 of 29 September 1982 on the procedure for granting State relief to indigent and needy persons;

(g) Decree No. 96/379 of 14 June 1996 on the social and economic rehabilitation and reintegration of disabled persons;

(h) Circular letter No. 80/1/658/MINEDUC/CTD of 18 January 1980 on the admission of disabled children or children of disabled persons to public and semi-public institutions;

(i) Order No. 39/45 of 4 August 1953 on benefits for the blind.

129. At the institutional and administrative levels, Decree No. 98/069 of 4 May 1998, which established the Ministry of Social Affairs, also created a Sub-department for the Protection of Disabled Persons within this Ministry.

130. Approximately 700,000 people in Cameroon are affected by motor, mental or sensory disability. In 1993, there were approximately 450,000 disabled children. The treatment offered to these children basically seeks to minimize their handicap through functional rehabilitation, social integration and job placement. To this end, the Government has developed various sheltered structures such as the National Centre for the Rehabilitation of Disabled Persons in Yaoundé, the Rehabilitation Institute for the Blind in Buéa, the "Golden Bobbin" sewing workshop for disabled women in Ekounou and the Rehabilitation Centre for Deaf Children.

131. In addition to these structures, there exist a number of non-State institutions, the most important of which are "la Colombe", a non-residential child guidance clinic for mentally handicapped children in Yaoundé; a special school for hearing-impaired children in Yaoundé; the SETA Handicapped Training Centre in Mbengwi (Bamenda); the Mutenguene Associated Rehabilitation Centre for Persons with Motor Disability; Promotion of Cameroonians with Disabilities; the Garua Rehabilitation and Welfare Centre for Deaf Children; and the National Committee for the Disabled.

132. As regards medical assistance, the authorities purchase medicines, reimburse surgical operations and organize medical evacuations and functional rehabilitation for destitute patients.

133. Since the proclamation of the United Nations Decade of Disabled Persons (1983-1992), the Cameroonian Government has increasingly focused its attention on education, sports and leisure activities. The following action has been taken:

(a) Children with visual and hearing impairments, and also mentally and physically disabled children, are integrated into the regular education system at the end of their special-needs primary schooling and also into universities and higher educational establishments. This policy is in conformity with the provisions of Act No. 83/013 of 21 July 1983, referred to above;

(b) Private sponsors are authorized to establish special-needs educational institutions and subsidies are available to help run such establishments;

(c) Payment of special educational benefits to young Cameroonians in national and foreign institutions. These benefits are normally designed to cover the cost of tuition and any equipment that students may require;

(d) In accordance with the Charter referred to above, a sports association called Handisports has been established to promote sports and leisure activities for disabled persons and integrate such activities into functional rehabilitation programmes. Likewise, several sports associations under the umbrella of the National Sports Federation for Disabled Persons have had the opportunity to participate in various sporting events, including at the international level;

(e) Young disabled athletes have participated in national sporting events.

These activities are constrained by scarce public resources, which make it difficult to address the manifold problems facing disabled children, and by the qualitative and quantitative inadequacies of specialized institutions and personnel.

B. Health and health services (art. 24)

134. Article 24 of the Convention states that the child has the right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness. Cameroon is a party to the Declaration of Alma Ata of 1978 and thus espouses the ideal of primary medical care. Cameroon also ratified the Charter on Child Health Development in 1980.

135. To ensure the survival and development of the child, the Government has adopted and (since 1992) implemented its primary health care refocus programme, the aim of which is to reorganize the health service so as to make it more accessible to the general public, and to mothers and children in particular, whence the concept of the health district, which is the task unit for the implementation of this programme.

136. Moreover, as part of the implementation of this policy, in 1995, the new organizational flow chart of the Ministry of Public Health established within the Community Health Office a Sub-department for Family Health with special responsibility for issues relating to maternal and child health. This Sub-department comprises a child survival programme and a maternal health service. It also incorporates a hygiene service.

137. Maternal health services have been improved through initiatives focusing on reproductive health, nutrition education, antenatal clinics and emergency obstetric care.

138. Child survival is supported by four priority programmes, namely, the extended vaccination programme; the national programme to promote breast-feeding; the diarrhoeal disease control programme; and the acute infection control programme, a national policy document on which is being finalized.

139. Other programmes which impact on the entire population, but also involve children, include the anti-malaria programme and the AIDS control programme, which is coordinated by a national committee. Also worthy of note are antenatal and post-natal clinics, the universalization of vitamin A supplementation and Information-Education-Communication activities. The introduction of comprehensive treatment for childhood illnesses, which aims to bring all these programmes and other child-related issues under one umbrella, is now in progress.

140. In addition, the following measures are helping to improve maternal and child health:

(a) Approval of a national population programme;

(b) Publication of standard policy documents on maternal and child health and family planning;

(c) Inclusion of contraceptives in the national list of essential medicinal products;

(d) Establishment of an ad hoc subcommittee to coordinate maternal and child health and family planning activities;

(e) Involvement of NGOs in the implementation of child health and family planning activities in collaboration with the Ministry of Public Health;

(f) Integration (since 1994) of maternal and child health and family planning activities in the minimum action programme at all levels;

(g) Finalization of an adolescent health policy document;

(h) National consensus on the constituent elements of reproductive health.

141. The statistics quoted below present a much more detailed picture of the state of maternal and child health in Cameroon.

1. Mortality indicators

142. Maternal and child mortality indicators are relatively high:

(a) Probability of death prior to fifth birthday: 126 per thousand;

(b) Deaths from acute respiratory infections in under-fives: 27 per cent;

(c) Deaths from diarrhoeal diseases in under-fives: 17.6 per cent;

(d) Deaths from measles in under-fives: 12.3 per cent;

(e) Deaths from malaria in under-fives: 43 per cent;

(f) Crude death rate: 13.7 per cent;

(g) Infant mortality rate: 81/1000;

(h) Maternal mortality rate: 547 deaths per 100,000 births.

143. These statistics appear to show that the infant and maternal mortality rates in Cameroon are relatively high. However, considerable efforts have been made to strengthen antenatal and post-natal care. For example, 55 per cent of all childbirths are assisted and 50 per cent of newborns are cared for by qualified personnel.

2. Morbidity indicators

144. The development of indicators for the major target diseases covered by the extended vaccination programme is shown in the following table:

	1993	1994	1995	1996	1997
Neonatal tetanus	345	285	95	-	-
Measles	14 171	6 712	5 535		7 210

(a) Number of iodine-deficiency cases: 18 per cent of children aged between 6 and 12 in risk provinces;

(b) Anaemia in under-fives: 44.7 per cent of children aged between 6 and 59 months;

(c) Vitamin A deficiency in northern provinces: xerophthalmia (3.1 per cent), blindness (1.2 per cent).

Vaccination coverage, five-year-olds

	1993	1994	1995	1996	1997
BCG		53%	54%	55%	55%
DTP3	34%	38%	46%	44%	49%
Polio 3	34%	36%	46%	43%	47%
Rouvax	32%	38%	46%	39%	[illegible]
Tetanus vaccine 2	9%	10%	12%	35%	[illegible]
Coverage	66%	71%	70%	77%	75%

These statistics have been calculated on the basis of the reports received, from which the extent of coverage has been extrapolated.

145. The two National Polio Vaccination Days in 1997, on which 93 and 102 per cent of the target populations were inoculated respectively, have significantly boosted vaccination coverage against this disease. These days, which form part of a strategy to eradicate polio, will be organized every year until 2000 at least. Similar anti-measles campaigns are planned in urban areas in 1999.

3. Health policy

146. Current policy is to make the services on offer more accessible to the general public. This is the tenor of Decree No. 95/013 of 17 February 1995 on the organization of basic health services, which enshrines the concept of the health district. A health district is a unit covering approximately 100,000 people. It includes a district health service, a district hospital, integrated health centres and dialogue facilities (health committees and management committees). All

these structures must be operational. There are approximately 135 health districts divided among the 10 national provinces: Adamaoua (5); Centre (22); Est (11); Extrême-Nord (22); Littoral (15); Nord (12); Nord-Ouest (13); Ouest (16); Sud (6); and Sud-Ouest (13).

147. In the restructured health system, health units have been grouped into six categories in order to make them more accountable:

(a) Category 1: three general hospitals and a university hospital;

(b) Category 2: three referral hospitals including a hospital run by a semi-public body;

(c) Category 3: eight regional hospitals;

(d) Category 4: district hospitals;

(e) Category 5: district medical centres (structures intermediate between integrated health centres and district hospitals);

(f) Category 6: integrated health centres.

4. Human, financial and material resources

148. The available human, financial and material resources are sometimes inadequate to meet developing needs. In 1998, the population of Cameroon was 14,452,270 compared to 10,493,665 in 1987. The annual rate of population growth is 2.9 per cent.

Number of health workers

Category	Total number, 1996	Number per 1 000 inhabitants
[Word omitted] specialist training	1 007	0.74
Midwives	69	0.05
Health administrators	21	0.01
Nurses (all categories)	4 998	3.66
Pharmacists	59	0.04
Surgeons - dentists	59	0.04
Others*	1 578	1.16

Source: Ministry of Public Health 1996.

* Laboratory assistants, public health engineers, assistant anaesthetists, assistant pharmacists, etc.

5. Support for government efforts

149. Cameroon is supported in its endeavours by its international partners. International aid accounts for 66 per cent of total public health expenditure, or CFAF 12,797 million in 1995-1996. Generally speaking, there has been a trend towards outside funding in the period 1993 to 1996, as indicated in the table below:

	1993-1994	1994-1995	1995-1996
Total, millions	7 979	8 828	12 797

In this way, bilateral and multilateral bodies and local NGOs support the Government's maternal and child health programmes in the field. Needless to say, of course, it cannot be claimed that the goal of health for all by the year 2000, as proclaimed by the slogan, has been achieved if people still do not have access to essential drugs.

150. To this end, the system for supplying essential drugs has been reorganized through the establishment of community pharmacies in integrated health centres and public hospitals, pharmaceutical supply centres at provincial level and the National Centre for the Supply of Essential Drugs. In order to ensure the availability of medicines at the lowest possible cost and because the economic crisis has considerably eroded individual purchasing power, Act No. 90/062 of 19 December 1990 allows hospitals and health units to sell essential drugs at below market price and to use the proceeds for restocking.

151. The authorities are taking a keen interest in traditional medicine as part of the community health programme. This branch of medicine is promoted by the Institute for Medical Research into Medicinal Plants. Traditional medicine is encouraged and practitioners work alongside local health authorities to provide patient care. A bill is currently being prepared by the Traditional Medicine Department of the Community Health Office.

6. The national AIDS prevention programme

(a) Prevention strategies

152. Efforts to combat AIDS are based on four major activities, namely, prevention, patient care, disease control and research.

153. Prevention is the lynchpin of the strategy. The core element is the Information-Education-Communication programme, which aims to raise the awareness of the general public and especially of risk groups with regard to the following areas:

- Awareness of channels of transmission;

- Preventive methods focusing on responsible sexual behaviour and the use of one-time or sterile medical equipment;

- Transfusion safety, i.e. efforts to minimize the number of blood transfusions, which should be administered only when the case warrants and after the blood designated for use in the transfusion has been screened. To this end, it is planned to establish a network of laboratories with the capacity to conduct HIV serological testing throughout all health districts. A blood transfusion guide has been formulated.

154. Effective care is provided to AIDS patients, persons infected by HIV, orphans, and HIV-positive relatives.

AIDS patients

155. There is a specific treatment which is not available to the vast majority of the population of Cameroon. This treatment should consist of triple- or at least double-combination therapy. Triple-combination therapy will undoubtedly become more accessible as a result of effective cooperation between the Ministry of Public Health and the various bodies and NGOs active in this field. Patients are admitted to hospital for the treatment of opportunistic infections. AIDS patients are advised to avoid unprotected sexual relations so as not to increase the viral load.

Persons infected by HIV

156. Persons infected by HIV receive counselling that enables them to live with their infection and encourages them to adopt responsible sexual behaviour and submit to rigorous and regular medical check-ups.

Orphans

157. Programme personnel, in collaboration with certain NGOs, visit orphans and provide appropriate care. One NGO also takes in orphans and provides comprehensive care.

Relatives

158. Relatives receive counselling which enables them to learn more about the disease, provide better support for patients and assist them as best they can.

159. In addition to systematic disease control, sentinel surveillance remains the principal source of information. Various surveys and studies are used to provide a very detailed picture of the pandemic. Sentinel surveillance targets pregnant women.

160. Research focuses on viral forms, vaccines and treatment (in collaboration with practitioners of traditional medicine).

161. The increasing exposure of certain social and professional groups to the disease has led to the identification of four main risk groups in Cameroon, namely, prostitutes; military personnel, police officers and related personnel; lorry drivers; and prisoners.

162. With a view to providing a comprehensive community care programme, the campaign against AIDS and sexually transmitted diseases (STDs) forms part of the minimum programme to be implemented by hospitals and health units. The Information-Education-Communication programme also attaches importance to this campaign.

163. The following principles have been laid down for the care of HIV-positive pregnant women undergoing treatment at a hospital or health unit: (a) practise contraception; (b) regularly attend antenatal clinics to term and post-natal clinics thereafter; and (c) regular check-ups of the newborn, comprehensive care and successive tests.

164. In certain rare cases, the disappearance of HIV infection has been noted owing to spontaneous and natural seroconversion.

(b) The pandemic in Cameroon

(i) The general population

165. The rate of HIV seroprevalence in the general population is 5.5 per cent, a figure extrapolated from sentinel surveillance of pregnant women conducted by the MOSCAP project in the course of its work. The rate of seroprevalence stood at 1 per cent in the 1990s. Following the winding up of the MOSCAP project, it has become practically impossible to reassess the situation. The most recent evaluation dates from 1995. Surveys are currently being carried out by the Institute for Demographic Training and Research, which will yield new data.

(ii) Risk groups

166. The rate of seroprevalence in Yaoundé was 25 per cent in 1992 and 15 per cent in 1995. In Douala, the rate was 45 per cent in 1992. Fifteen per cent of lorry drivers and 16 per cent of prisoners tested seropositive in 1994. In 1995, 2,766 children were diagnosed with AIDS. The rates of seroprevalence among children were 3.5 per cent in the age range 0 to 4; 3.1 per cent in the age range 5 to 14; and 18.6 per cent in the age group 15 to 24.

(c) Efforts to combat STDs

167. This campaign focuses on four main areas: (a) attendance at a hospital or health unit at the first sign of disease; (b) avoidance of self-medication; (c) procedures enabling personnel to deal expeditiously with STDs; (d) promotion of responsible sexual behaviour through the Information-Education-Communication programme.

168. Up to 1997, the national anti-AIDS programme was operated exclusively with funds received from abroad. Since the financial year 1998-1999, however, the five-year budgeted action plan has been put into effect with a combination of public money and contributions from foreign donors.

C. Social security and childcare facilities and services (arts. 26 and 18, para. 3)

169. Under article 26 of the Convention, children have the right to benefit from social security, including social insurance. In Cameroon, social security is administered by:

(a) The National Social Contingency Fund (CPNS) in the case of workers subject to the Labour Code, i.e. the employees of private and semi-public enterprises and personnel other than State civil servants;

(b) The Ministries of the Civil Service, the Economy and Finance, as well as all ministerial departments concerned, in the case of civil servants and personnel with decision-making powers, excluding the category of those subject to the Labour Code.

It may thus be seen that the right to social security benefits is, in the first place, the right of salaried workers and, in the second, that of their children and those regularly under their care.

1. The legal framework

170. The legislation and regulations governing social security include:

(a) Act No. 67/LF/7 of 12 June 1967 establishing the Family Benefits Code and Act No. 84/007 of 4 July 1984 amending Act No. 69/LF/18 of 10 November 1969 establishing a pension scheme (old age, disability and survivors);

(b) Decree No. 94/199 of 7 October 1994, article 31 of which contains the general statutes of the State civil service and the enabling legislation.

There are thus two coexisting social security systems, each of which determines the kind of social benefits provided. Some of these benefits are granted to children through their parents or guardians.

(a) The social security system administered by the National Social Contingency Fund

171. Several benefits are provided to ensure the welfare of children. They are as follows:

(i) Assistance to mothers and infants

172. Assistance to mothers and infants takes the form of prenatal allowances, maternity allowances, the payment of medical expenses for pregnancy and childbirth and possible benefits in kind:

(a) An antenatal allowance is granted to every woman wage earner or wife of a wage earner regularly registered with the National Social Contingency Fund (CNPS) for each pregnancy; it is paid in two instalments, each of which is equivalent to four and one-half months of family allowance for one child;

(b) At term, a maternity allowance is due if a viable infant is born and the birth declared to the registry office; it is payable once and is equivalent to 12 times the monthly amount of the family allowance for one child;

(c) Medical expenses incurred at the time of antenatal examinations, delivery and doctor's visits for the infant up to the age of six months are partially reimbursed by the CNPS.

(ii) Maternity leave allowance

173. A daily maternity leave allowance is paid by the CNPS to every pregnant woman wage earner or wife of a wage earner; it is equivalent to the full daily salary being paid at the time the work contract is suspended because of the pregnancy.

(iii) Family allowance

174. A family allowance is paid to a beneficiary (parent or guardian) who has dependent children. A dependent child is one for whom housing, food, education and general care is actually and permanently provided. The child may be legitimate, legitimized, recognized, adopted or born to the wife of the beneficiary by a previous marriage. The amount of the family allowance is set at CFAF 1,800 per child per month and is paid at the end of each quarter.

175. In addition to these different family allowances, assistance of various kinds is given to parents in discharging their responsibilities for the education of their children through health and social services. For this purpose, the CNPS creates and administers health and social welfare facilities and grants subsidies and loans to institutions, establishments and facilities catering for health and social welfare to assist the families of insured persons.

Health facilities

176. These are mother and child protection centres (MCP) and medical-social welfare centres which, for prophylactic purposes, provide prenatal consultations, weekly weighing of infants from 0 to 2 years, vaccinations and dietary demonstrations. By way of remedial care, they hold consultations and minister to the sick, who are basically children, pregnant women and victims of industrial injury and occupational disease.

177. The services provided by the MCP centres are free of charge. In addition to MCP activities, the medical-social welfare centres, hold consultations and give all kinds of out-patient care, refer sick adults and children to hospital and work to provide psychological and maternal assistance to their patients. For this purpose, they each have a paediatrics section, a general medical section, a maternity section, a surgical centre, an x-ray section, a laboratory and pharmacy, and a social services unit. There is a charge for the services offered by these centres, but it is much lower than what is charged by private facilities.

178. There are at present three medical-social welfare centres, in Yaoundé (120 beds), Marua (50 beds) and Garua (60 beds) and four MCP centres, in Douala, Bafoussam, Bamenda and Bertua.

Social welfare agencies

179. These include social centres, sections and sectors and home management centres:

(a) The social centres carry out various activities in the sphere of maternal and child protection and assistance. In the area of family education, for example, they give young mothers classes in family budget management, sewing, embroidery, knitting and cookery. By way of preventive action and psychological and material assistance, the social centres give help, where possible, to their users in solving some of their problems, for example marital disputes and the preparation of applications for benefits. Today, out of the 282 social centres planned for the whole country, 146 are in operation;

(b) The social sections are social centre branches set up within the services of the CNPS. They provide moral, psychological and material assistance to their users. The table in annex 1 shows 56 social sections;

(c) Social sectors are being set up on the basis of one per district. For the moment, there is only one sector, in the city of Douala;

(d) The home management centres teach the theory and practice of childcare, first aid, health education, sewing, cookery, etc. They are open without discrimination to all girls who have completed at least their primary education.

(iv) Survivor benefit

180. A survivor's pension or allowance is granted to the descendants of a wage earner who has died, even if he already had an old-age pension.

(b) The civil service social security system

181. Where children are concerned, the benefits are as follows:

(a) Family benefits granted to parents for each of their school-age children; these comprise a monthly allowance per child, a family salary supplement and a maternity allowance; in the case of civil servants and related categories, such benefits are paid at the same time as the salary;

(b) The partial reimbursement of the expenses of medical care, medicines, evacuation abroad for health reasons, hospitalization, physiotherapy and artificial aids for children of State employees;

(c) A survivor's pension or allowance paid monthly to the descendants of a deceased civil servant or the like.

2. Procedures for the payment of benefits

182. In general, the procedures vary according to the system and, within each system, according to the type of benefit:

(a) In the CNPS, benefits cannot be requested or granted unless the parent of the child is a wage earner registered with the CNPS; the CNPS has its own payment windows;

(b) In the civil service, certificates granting the different benefits are recorded by the respective competent authorities, disbursed by the Ministry of the Economy and Finance and paid by its treasury department; there is no "social security management" account in the treasury;

(c) In the two systems, family allowances and survivors' pensions are paid regularly, all other benefits becoming payable only once a given event takes place; furthermore, benefits are not paid directly to children, but to their representatives.

3. Social security financing

183. In the Civil Service, social security charges are included in the State budget under compulsory expenditure; contributions are shown as income. In the CNPS, social security is funded jointly by employers' and workers' contributions; it is based on a cost-sharing system.

4. Problems

184. The problems are the following:

(a) Unwieldy procedures;

(b) Structural and organizational weaknesses;

(c) The complexity of the arrangements;

(d) Disparities between the two systems;

(e) Lack of computerization of benefits;

(f) Irregularly supplied database;

(g) Arrears in contributions owing to economic difficulties experienced by private enterprises and the State where staff subject to the Labour Code are concerned;

(h) Accumulated arrears in benefits owed to CNPS beneficiaries because of arrears in contributions and the decline in funding resources, on the one hand, and the contraction of salaried employment, on the other;

(i) Restricted categories of social security beneficiaries: children of non-wage earners, workers in the informal sector, independent farmers and the unemployed are excluded;

(j) Low amount of benefits, which are purely symbolic;

(k) Limited scope of social security: the health insurance and unemployment insurance branches are not covered;

(l) Adverse effects of the economic crisis.

5. Prospects

185. Consideration is being given to the rehabilitation of the CNPS and to the reform of social security in Cameroon.

6. Childcare support services and facilities

186. Under article 18, paragraph 3, of the Convention, States parties take all appropriate measures to ensure that the children of working parents have the right to benefit from childcare services and facilities for which they are eligible. With regard to legislation, the right of working parents to benefit from such services has not yet been made the subject of any legal instrument. From the economic and social point of view, setting up crèches requires an investment which is not always within the means of either enterprises or the State. Nor can workers afford the price of such services, so they prefer to employ domestic workers. In general, the Government's policy with regard to crèches is based on the principle that children are something precious to be fostered; the Government aims to ensure for each child that is born the environment of affection and psychological support it needs for harmonious growth and development. Programmes have been set up aiming at an appropriate combination of productivity at work and care for the children. A programme called "Nursing mothers' friendly corner" has been set up by an NGO in cooperation with the Ministries of Health and Social Affairs.

D. Standard of living (art. 27, paras. 1-3)

187. Article 27 of the Convention on the Rights of the Child stipulates that every child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Parents have the primary responsibility to secure that standard of living for the child. The State has the duty to act in such a way that they can and do assume that responsibility. The State's responsibility may include material assistance to parents and their children. From the point of view of that provision, there have to be two main partners working together to guarantee the child an adequate standard of living: the parents and the State.

1. Parental responsibility

188. According to articles 180, 282 and 358 of the Penal Code, parents have an obligation to ensure a decent standard of living for their children.

Article 180: Alimony

"(1) Anyone who has failed for more than two months to provide the full amount of the alimony he has been ordered to pay to his spouse, her ascendants or descendants shall be liable to one month to one year's imprisonment and/or a fine of CFAF 20,000 to CFAF 400,000.

(2) Failure to pay is deemed deliberate without proof to the contrary; insolvency as a result of habitual misconduct, for example, drunkenness, is never a valid excuse for debt."

Article 282: Abandonment of an incapable person

"(1) Anyone who removes a person incapable of protecting himself by reason of his physical or mental state in order to abandon him shall be liable to one to three years' imprisonment and a fine of CFAF 5,000 to CFAF 25,000.

(2) The term of imprisonment shall be 5 to 10 years if the victim was abandoned in an isolated place.

(3) The term of imprisonment shall be 10 to 20 years where the offender is an older relative or anyone having authority or custody de jure or de facto over the incapable person.

(4) In all cases, the court of law may pronounce the loss of rights provided for in article 30 of the present Code, as well as revoking parental rights for the same period of time."

Article 358: Abandonment of the home

"(1) The mother or the father of a family who without legitimate reason neglects all or part of his or her moral or material obligations vis-à-vis his or her spouse, child or children by abandoning the family home or by any other means shall be liable to three months to one year's imprisonment or a fine of CFAF 5,000 to CFAF 500,000.

(2) The court of law may pronounce the loss of rights provided for in article 30 of the present Code and deprive the convicted person of the guardianship or custody of one or any of his children for the period specified in article 31 (4) of the present Code and revoke his parental rights for the same period."

2. State responsibility

189. The Government has adopted quite a wide variety of appropriate measures, which include:

(a) Decree No. 82/412 of 9 September 1982 on the procedure for granting State relief to indigent and needy persons;

(b) Circular letter No. 80/I/658/MINEDUC/CTD of 18 January 1980 on admission of disabled children and children of disabled parents to public and semi-public institutions;

(c) Circular letter No. 90/02800/LC/MINASCOF/SG/DRS of 10 December 1990 on provision of aids to needy and disabled persons;

(d) Act No. 67/LF/7 of 12 June 1967 instituting a family benefits code.

190. Out of a desire to improve the living environment of its people with regard to housing, Cameroon has set up several bodies:

(a) The urban planning unit within the Ministry of Town Planning and Housing to plan urban development;

(b) The Urban and Rural Planning and Development Mission (MAETUR), set up by Decree No. 77/193, articles 1, 2, 3, 11 and 13 of which were amended and supplemented by Decree No. 82/599 of 25 November 1982;

(c) The Cameroon Property Loan Bank, created by Decree No. 77/140 of 13 May 1977 to finance housing;

(d) The Cameroon Property Company (SIC), reorganized to ensure better production of housing for Cameroonians.

191. Measures related to children's living standards can be judged primarily on the basis of environment-linked indicators. The following data are taken from the second General Population and Housing Census (RGPH) and the Cameroonian Household Survey (ECAM):

Total population (thousands), RGPH, projection for 1997

Total	14,174
Male	6,986
Female	7,188
Urban	6,633
Rural	7,441

Population aged up to 64 years (thousands), RGPH, projection for 1997

Total	3,477
Male	1,748
Female	236

Population 65 years and over (thousands), RGPH, projection for 1997

Total	439
Male	203
Female	1,729

Demographic growth rate: 2.9 (RGPH, 1997)

Housing (ECAM)

Average size of household	5.9 persons
Housing units with mud or adobe walls	51.8%
Housing units with walls made of breeze blocks, concrete, freestone or baked brick	16.7%
Householders	71.5%
Tenants	20.3%
Persons housed by their employer or free of charge	8.2%

Lighting (ECAM)

Electricity	37%
Paraffin	54.4%
Other	8.6%

Water supply (ECAM)

Connection to National Water Distribution Company network	31.3%
Supplied from springs, rivers or wells	55.8%
Other	8.6%

Income inequalities and poverty (ECAM)

Households below poverty line	38.4%
Intermediate households	33%
Not poor	28.6%

It is clear from these different indicators that children's living standards deserve attention from the authorities. Since they are interrelated, any improvement in these living standards can perforce be achieved only by improving those of the parents.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (arts. 28 and 29)

192. Article 29 of the Convention on the Rights of the Child basically provides that the education of the child is directed to fostering the physical, intellectual, moral and cultural development of the child, as well as the development of his personality and sense of responsibility, and to instilling a sense of respect for others and for the virtues of peace, tolerance and equality of the sexes. In order to make such education accessible to all, article 28, paragraph 1 (a), of the Convention requires States to make primary education "compulsory and available free to all". Cameroon appears to be meeting this requirement, since its authorities are committed to promoting basic education for all. The preamble of the Constitution thus affirms

that "The State shall guarantee the child's right to education. Primary education shall be compulsory." The preamble also provides that the State guarantees all citizens of either sex the enjoyment of this right to instruction. Similarly, Act No. 63/COR/5 of 3 July 1963 and the text containing the West Cameroon Education Policy recognize every citizen's right to education and instruction without discrimination.

193. The objectives of the philosophy of education in Cameroon include:

(a) Quality education for the masses: this democratization of education favours access to instruction for the greatest number while preserving its quality;

(b) The physical, moral, intellectual and cultural development of the child;

(c) National integration; and

(d) The promotion of bilingualism in accordance with the provisions of article 1, paragraph 3, of the Constitution of the Republic, through the teaching of English and French as from the primary level.

In the same vein, Act No. 98/004 of 14 April 1998 containing education guidelines in Cameroon stipulates that:

"Article 6: The State shall guarantee the child's right to education.

Article 7: The State shall guarantee to all equality of opportunity for access to education without discrimination by reason of sex, political, philosophical or religious views or social, cultural, linguistic or geographic origin.

Article 9: Primary education is compulsory."

194. To achieve the above-mentioned aims, a series of measures have been adopted, of which the following four are the most important:

1. Improving education supply

195. At the primary and nursery school level, 2,304 schools were created between 1990 and 1998 (see table 1*) compared to 184 private schools; this permitted an intake in 1996/1997 of 1,966,950 pupils for the primary cycle and 87,318 pupils for the nursery school cycle, distributed as indicated in tables 2 and 3*. During the same year, the school-age population (children aged 5 to 14 years) was 3,444,740. Hence there was an unmet social demand for education of 1,477,790. At the post-primary, general secondary and technical levels, 314 general and technical colleges, as well as 240 SAR/SMs and 254 general and technical lycées provided instruction for 558,424 students, distributed as indicated in tables 2 to 9,* in 1996/1997.

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* The statistical tables may be consulted in the secretariat of the Committee on the Rights of the Child.

2. Improving quality

196. This requires initial training for young people of both sexes. It is provided by the Ecole normale supérieure (ENS) (a teacher training college) and by the Ecole normale supérieure de l'enseignement technique (ENSET) (a technical teacher training college), which train teachers for general and technical colleges and lycées. General and technical primary school teachers are trained by the Ecoles normales des instituteurs de l'enseignement général and de l'enseignement technique (primary school teacher training colleges). Nearly 8,000 high school teachers and about 8,703 primary school teachers have thus been trained and recruited by the State.

197. In 1996/1997, for example, out of 5,339 student teachers in training, 48 per cent or 2,563 were girls (table 7*). At the general secondary level, out of 907 student lycée teachers graduating from ENS in 1998, girls accounted for 37.8 per cent. However, it should be noted that they were mainly to be found in the literary sections.

198. Ongoing training is provided for teachers on the job: it takes the form of teacher training days and seminars which are also designed for supervisory staff (heads of primary and nursery schools, principals of secondary schools and lycées). A sufficiently large pool of teachers is ensured and the level of their skills can be raised by these means.

3. Guaranteeing fairness

199. To reduce the existing gap between the number of girls attending school and the number of boys, as well as disparities in the geographical distribution of pupils (see table 8*), the Government, with the support of donors, has undertaken reforms and devised strategies in general to improve entry rates in the provinces where enrolment is low and to keep girls in school in particular. In addition, a policy of encouragement and social advocacy has been adopted to attract more girls to the sciences. More than 2 million adults aged 15 years and over are illiterate, the rate being highest among women. Consequently, the Government is setting up literacy programmes to reduce the number of illiterates.

4. Financing education

200. Despite the economic crisis that has severely afflicted the country and reduced budgetary allocations to the different economic sectors, the share of the budget devoted to education remains relatively high (see table 10*). However, measures to implement the 20/20 initiative are being taken by the Government. Pursuant to the Framework and Plan of Action adopted at the UNESCO Conference in Jomtien, reforms are under way to pinpoint new opportunities for educational funding and better management of the resources thus obtained.

201. The following may be mentioned as contributors to the mobilization of financial and material resources:

(a) Parents of pupils, 80 per cent of whose required contribution goes to fund school operating costs;

(b) Decentralized local communities (communes), through programmes for the construction and equipment of schools and anti-malaria prophylaxis or "nivaquinization" for pupils;

(c) Parents' associations, which make an appreciable contribution to the outfitting and running of schools;

(d) NGOs, through construction, outfitting and the improvement of the school environment;

(e) Private sponsors.

The resources thus mobilized improve school distribution and performance, thereby enhancing the quality of education on offer and its availability, with a view to "education for all" and "lifelong education".

202. The global promotion strategies in the Jomtien Plan of Action include the "least cost" approach, which aims to improve the cost-benefit/cost-effectiveness ratio in the procurement and use of goods and services intended for education.

203. It must be pointed out that the implementation of this whole policy of quality education for the masses is unfortunately hampered by several obstacles, such as the economic recession, the external debt burden, the devaluation of the CFA franc, the weight of tradition, demographic pressure and the high concentration of population in the main towns.

B. Leisure and cultural activities (art. 31)

204. To promote the right of the child to leisure and recreational and cultural activities, Cameroon has adopted a set of legislative, administrative and institutional measures.

205. The many laws and regulations include:

(a) Act No. 74/22 of 5 December 1974 on sports and socio-educational facilities;

(b) Act No. 96/09 of 5 August 1996 containing the Charter for Sports;

(c) Decree No. 69/DF/302 of 8 August 1969 amending Decree No. 67/DF/503 of 2 November 1967 on the reorganization of youth movements and popular education;

(d) Decree No. 96/CAB/MINJES of 12 March 1996 on the organization of the Ministry of Youth and Sports;

(e) Decree No. 91/255 of 30 May 1991 on the organization of the National Youth and Sports Institute;

(f) Order No. 002/C/JS/EP of 15 February 1977 on the organization and operation of school holiday facilities;

(g) Ministerial Instruction No. 001/IM/MJS of 18 January 1979 setting up mobile community development teams;

(h) Ministerial Instruction No. 001/IM/MJS/DJA/MINJES of 23 January 1990 on the administration and management of youth and community activity centres.

206. Where administrative and institutional measures for the promotion of leisure and cultural activities are concerned, Decree No. 96/CAB/MINJES of 12 March 1996 on the organization of the Ministry of Youth and Sports provided for a Department of Youth and Community Activities with a Socio-Educational Activities Branch composed of two services for the promotion of sociocultural and educational activities. As far as external services are concerned, provincial and departmental youth and community activities and sports services have been created to promote the development of sports and sociocultural activities in schools. Examples are the establishment of sports and cultural activities services and divisions in higher education and sports and cultural associations at the secondary level.

207. In addition to the above-mentioned decree, Decree No. 98/003 of 8 January 1998 on the organization of the Ministry of Culture provides for a Department for the Promotion of Culture and the Arts whose task is to develop and promote creative and productive work in culture and the arts and to define and implement strategies for promoting reading, the arts and cultural activities.

208. Moreover, some activities are carried out for the care of young people during the holidays, including holiday camps for those from 8 to 12 years of age, holiday work camps and an initiative called "INJS - Sports, Leisure, Holidays" that promotes sociocultural and leisure activities.

209. Different entities also exist to support the care of young people in their leisure, sporting, sociocultural and artistic activities. They are both public and private and include:

(a) The National Youth and Sports Institute, whose task is to train supervisory staff for youth and sports;

(b) National Youth and Sports Centres for the training of middle-level supervisors for youth and sports; there are three of these, in Dschang, Garua and Kribi;

(c) Youth and community activity centres, which are non-formal educational establishments offering their members opportunities to develop their creativity and business sense with a view to socio-occupational integration; these centres are for young people aged at least 12 years who have been rejected by the formal education system; there are about 317 such centres (11 provincial, 56 departmental and 251 district centres);

(d) Mobile urban community development teams formed in the main towns of the administrative districts; their task is to initiate young people and adults into integrated development activities;

(e) The Mbalmayo Art Institute.

210. Side by side with these State entities, there are private initiatives that support the work of the authorities. Examples are:

(a) Youth movements and associations. These are organizations sponsored by religious denominations that work for the moral, spiritual and civic education of their members, while also promoting leisure and cultural activities; there are about 405 of these registered;

(b) Private leisure and re-education centres offering leisure activities and sociocultural education; they also offer their members appropriate technical training to enable them to join the workforce. Examples are the René Durand Centre in Mbalmayo, the Jean Bosco Centre in Yaoundé and the guides' headquarters;

(c) The project for the mobilization of youth through sports (MOJAS), launched as part of cooperation between the Mission française de coopération (French voluntary service overseas) and the urban communities of Yaoundé and Douala; this project aims to help young people through sports activities, with a view to fuller social and economic integration. Thus, in addition to the holiday championships organized for them, young people can also join cooperative associations where they are taught to make sports equipment.

VIII. SPECIAL PROTECTION MEASURES

A. Children in emergency situations

211. Under article 38 of the Convention on the Rights of the Child, States parties undertake to respect and ensure respect for rules of international humanitarian law in cases of armed conflict. They agree to take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

212. It must be stated that Cameroon has ratified the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977 and, according to the rules in force, no child under 18 years of age may be recruited into the national defence forces (the army, the gendarmerie and the police). In response to these requirements, Cameroon holds various seminars for Cameroonian officers and higher echelons one of whose aims is to make them aware of the application of international humanitarian law in situations of armed conflict or internal disturbance. It should also be pointed out that the Red Cross and Red Crescent freely carry out their activities in Cameroon. The International Committee of the Red Cross was thus able to visit prisoners in the border conflict with Nigeria in Bakassi.

213. On the subject of refugees, article 22 of the Convention on the Rights of the Child provides that States parties will take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee will receive protection and humanitarian assistance.

214. In this regard, Cameroon ratified the Convention relating to the Status of Refugees on 23 October 1961 and the Protocol relating to the Status of Refugees on 19 September 1967. Pursuant to the provisions of that instrument, Cameroon has, in cooperation with UNHCR, taken in refugees from Burundi, Congo, Liberia, Rwanda, Sudan and Chad.

215. According to the UNHCR report (1998), the number of refugees living in Cameroon is estimated at 47,057, of whom 6,007 are assisted by UNHCR, namely: 3,053 Chadians, 1,227 Rwandans, 332 Burundians, 182 (Kinshasa) Congolese, 230 (Brazzaville) Congolese, 180 Sudanese, 167 Liberians and 636 other nationalities.

216. In the border conflict in the peninsula of Bakassi between Cameroon and Nigeria, the President of the Republic has, by Decision No. 001 of 17 January 1997, set up a committee to give State assistance to the displaced civilian populations in combat zones. The committee has prepared a programme of immediate, short-term and medium-term action.

Immediate action

217. The immediate action for which the Government has released CFAF 205 million is basically fourfold and concerns (a) food security; (b) health (essential medicines and the prevention of epidemics); (c) education (school fees, school supplies and uniforms); and (d) essential goods.

Short-term action

218. Short-term action, estimated at CFAF 462 million, is about to begin and involves (a) the building of huts out of temporary materials for the resettlement of 200 families, with wells and latrines; (b) the construction of a bilingual school comprising all levels (nursery, primary and secondary); (c) the purchase of mattresses, sheets and blankets; (d) the construction of a dispensary; (e) the provision of fishing supplies and seeds; (f) the procurement of five light vessels for the use of the administrative and municipal authorities; and (g) the completion by military engineers of the Mundemba-Isangele road.

Medium-term action

219. Three types of action are planned for the medium term, namely: (a) the construction of an all-season, preferably asphalt, road for vehicular traffic between Kumba-Ekondo Titi and Mundemba; (b) the development of a centre for sea-fisheries-linked occupations at Isangele (repair of vessels and outboard motors, swimming); and (c) the creation at Isangele of socio-economic infrastructure to encourage the return of displaced persons and the settlement of the whole Bakassi area.

220. Throughout the first phase of this programme and without minimizing the other aspects, special emphasis has been placed on education. All school costs for the children of all the administrative units making up the Bakassi area have thus been assumed by the State for the 1996/1997, 1997/1998 and 1998/1999 school years.

B. Children in conflict with the law

1. Administration of juvenile justice (art. 40)

221. Since the Decree of 30 November 1928 establishing special courts and the probation system for minors, Cameroon has adopted the principle of the criminal responsibility of certain juvenile delinquents; they are not, however, indiscriminately penalized. Act No. 65/LF/24 of 12 November 1965 instituting a penal code and Act No. 67/LF/1 of 12 June 1967 containing the Penal Code introduced that colonial decree into the law applicable in independent Cameroon and established a classification of juvenile delinquents. They receive differentiated treatment according to whether they are below 10 years of age, between 10 and 14 years or between 14 and 18 years.

222. Minors below the age of 10 are considered as totally without responsibility; they can therefore not be tried for the acts they have committed. Cameroonian legislation considers this category of minors as completely lacking in discernment. They can therefore never be handed over to the Public Prosecutor's Office or brought before a judge for sentencing. The parents alone can be sentenced to provide compensation for the harm caused to the victim pursuant to the rules relating to civil liability.

223. A child between the age of 10 and 14 is criminally responsible; however, only one of the special measures provided for by the law can be imposed on him. Only the Public Prosecutor can decide to institute public proceedings. If the charges against him are sufficient, the minor is referred directly to the council chamber of the civil court in semi-private session. The decision is handed down in public session. If the minor is found guilty, the court has the choice of three measures: (a) to return him to his family; (b) to put him on probation; or (c) to place him, for a period not extending beyond the attainment of his civil majority, in the home of a trustworthy person or in an appropriate boarding school or charitable institution.

224. For minors between the ages of 14 and 18 years, the Penal Code provides for parallel measures. In addition to the possibility of imposing on them the lenient measures provided for those between ages 10 and 14, the Code also provides for their possible sentencing. The measures and the sentence can run consecutively.

225. In addition to this classification of minors, the purpose of which is to exclude certain categories of children from prosecution or from sentencing, article 80 of the Penal Code provides for an automatic ground for mitigation in favour of any minor liable to a sentence. The effect is substantially to reduce the penalty provided for by law and to avoid, as far as possible, imprisoning young children. The consequences for minors of the ground for mitigation are set forth in article 87 of the Penal Code, which stipulates that, when the law provides for mitigation, the penalties are reduced as follows:

(a) If the death penalty or life imprisonment has been incurred, the penalty is reduced to loss of liberty of from 2 to 10 years;

(b) If a period of imprisonment has been incurred in the case of a felony, the penalty is reduced to loss of liberty of from one to five years;

(c) In the case of a misdemeanour, the maximum loss of liberty or maximum fine is reduced by half and the minimum is brought down to five days or a fine of one franc. Moreover, the child may be sentenced to one of the two penalties alone.

226. The law in Cameroon therefore excludes any death sentence or even life imprisonment for a child under 18 years. As indicated above, the maximum sentence that can be imposed on such a child is 10 years; if the defendant has the benefit of extenuating circumstances, the penalty may be reduced to five days and a suspended sentence is also possible. But the judiciary is not obliged to sentence a juvenile delinquent. The above-mentioned decree of 30 November 1928 provides, in addition to the special measures of guardianship, supervision, education, reform and assistance that are ordered by the presiding judge of the civil court, for a particular measure, namely, probation. This measure, ordered by the judge, involves maintaining the child in his natural environment, whether his family or a substitute, for the purpose of his education, under the supervision either of a judge or of a social worker appointed by the juvenile court. The child remains in his family and continues to pursue his usual occupations. The judge and the social worker merely stand in for the family because the latter has been unable to ensure the child's socialization.

227. The judge may also decide that the child should be placed in an institution. Such placement may be in a rehabilitation centre in the case of a boy or a home-workshop in the case of a girl. The initiative for the placement is taken by the court itself. The examining magistrate before whom a minor accused of an act defined as an offence is brought may decide to place the minor in temporary rehabilitation. The sentencing court that declares the minor guilty of an offence may also adopt a placement measure in his favour. The purpose of institutional placement is to remove the child from his natural environment because it has proved incapable of ensuring his social integration, in order to place him in the care of social workers.

228. The judicial procedure itself has specific features. The aim is to protect the child either from public notice which might be harmful to his future or from the ever-present possibility of an error in the weighing of the evidence or even in the assessment of the delinquent's character . The minor is not brought before the court for sentencing by the summary means of arrest in flagrante delicto or by direct summons. A judicial inquiry is compulsory. During the preliminary phase of the inquiry, a social investigation must be carried out, its purpose being to discover the personality of the delinquent, to determine how much discernment he has, what the family situation is, what the circumstances surrounding or inciting to the commission of the crime were and what the chances of his rehabilitation are.

229. The major principles that underlie sound justice have been introduced into Cameroonian law thanks to Cameroon's ratification of the relevant international instruments, but also to the adoption of national laws on the subject. They redound to the benefit of delinquent children. The right to a fair hearing, equality before the law, the right to equitable justice, non-retroactive criminal law, the presumption of innocence and the right to have the delinquent's character taken into consideration at the time of sentencing are among the fundamental freedoms which are recognized as belonging to each citizen and which have been incorporated into the Cameroonian legal system. The Constitution of the Republic lists them all. The Act of 18 January 1996 amending the Constitution thus recognized that all human beings possess the fundamental

freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter of Human and Peoples' Rights and all other international instruments ratified on the subject.

230. In its preamble, the Constitution recalls the Cameroonian people's attachment to various principles, some of which relate directly to the administration of justice. It affirms thus that:

(a) No person may be prosecuted, arrested or detained except in the cases and according to the manner determined by law;

(b) The law may not have retroactive effect. No person may be tried and punished, except by virtue of a law enacted and published before the offence committed;

(c) The law ensures the right of every person to a fair hearing before the courts;

(d) Every accused person is presumed innocent until found guilty during a hearing conducted in strict compliance with the rights of defence;

(e) Every person has the right to life, to physical and moral integrity and to humane treatment in all circumstances. Under no circumstances may any person be subjected to torture or to cruel, inhuman or degrading treatment.

231. The foregoing provisions of the Constitution are to be found in the legislation, such as article 3 of the Penal Code, which prohibits the trial under criminal law of acts committed before it entered into force or acts which were not tried before it was explicitly or even tacitly repealed. Article 17 of the Code stipulates that penalties and measures are determined by law and are imposed only for offences that are provided by law. Torture, which is the subject of Act No. 97/009 of 10 January 1997 amending and supplementing certain provisions of the Penal Code, is henceforth punishable by the explicit provisions of article 132 bis.

232. Procedural legislation, particularly the Code of Criminal Investigation, ensures the right of all to a fair hearing and prescribes a procedure that safeguards the presumption of innocence. It also requires that the accused person should be informed of the charges against him as soon as he is brought before the prosecutor in the Attorney-General's Office.

233. The adversarial principle is embodied in Cameroonian law as part and parcel of the right to a defence and necessary to the discovery of the truth. A sentence in absentia can be challenged by a party who was unable to appear at the hearing.

234. The right of appeal is granted to any party who considers himself injured by a legal decision; this right is applicable to all cases, whether misdemeanours, offences or crimes. The principle of the right of appeal to a higher court is provided for in Ordinance No. 72/4 of 26 August 1972 on the organization of the judiciary and its subsequent amendments. The Ordinance establishes the first-degree jurisdiction of the Court of First Instance, while the Court of Appeal has jurisdiction to hear any appeal of a decision handed down against a minor.

235. In the courts of the Republic, the presence of an interpreter is justified for several reasons. Cameroon is composed of a multitude of tribes speaking a multitude of languages. Although French and English are recognized as official languages, a large part of the population, sunk in illiteracy, is not yet able to use them correctly. To remedy this shortcoming, in the interests of justice and in application of the adversarial principle, the law has made recourse to interpreters the rule in the courts of the Republic. The assistance of an interpreter is free of charge.

236. Legal action can involve an invasion of privacy only under the conditions determined by law. These conditions relate to investigations carried out in cases of arrest in flagrante delicto or by virtue of various warrants issued with the sole purpose of discovering the truth. Except in such cases, a person's home and correspondence are inviolable. These provisions apply even where there has been a conviction.

237. The provisions of article 40, paragraph 3, of the Convention concerning the obligation of States parties to seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law are beginning to receive attention through the establishment of institutions to accommodate delinquent children or those at risk. In addition to such institutions, for children under sentence of imprisonment, there are sectors for minors in prisons. Moreover, article 7 of Decree No. 92/52 of 27 March 1992 on the penitentiary system establishes special prisons for minors and prison schools. These facilities are not yet in existence. Juveniles normally take part in prison labour only inside the prison or in the fields belonging to it. In all cases, they work in groups separated from the other categories of prisoners.

238. Monitoring and supervision measures are provided for in the Decree to guarantee the implementation of the favourable provisions it contains. Apart from the constant vigilance of the administrative authorities and prison inspectors, public prosecutors, attorneys-general and judges in charge of public cases or investigations are authorized to visit the prisons within their purview during opening hours. They submit the report of their visit to the Minister for Prison Administration.

239. A prison surveillance commission is set up in the main town of each department. It has a chairman, who is the prefect or his representative, a vice-chairman, who is the presiding judge of the Court of First Instance and three members: the departmental head of public health, the departmental head of social affairs and a rapporteur appointed by the chairman of the commission. The commission is required to visit all prisons in the department at least once a year; its observations concern any necessary alterations, the upkeep of premises, the state of sanitation, the prison diet and the treatment of detainees. The comments and proposals of the commission are included in a report addressed to the Minister for Prison Administration.

240. In addition, the prison superintendents are required each month to send summary lists of permanent prisoners and those on remand to the Prosecutor's Office and the Ministry of Justice. A separate list is drawn up in the case of children. The Attorney-General, who is the judicial official in charge of judicial investigations, sends in a detailed report each month on the cases under consideration, specifying the situation of any minors.

241. An administrative unit has been set up under the auspices of the Ministry of Social Affairs to tackle cases of social maladjustment. It acts to prevent and to treat behavioural problems and to provide for the rehabilitation of juvenile delinquents and children at risk. Two types of strategy are used: residential rehabilitation, which has already been described, and community education.

242. Community education is a technique for social intervention which uses the facilities of the Ministry itself and of the child's own environment, as well as concrete action and precept, to improve the behaviour of minors and bring about their readaptation to their home environment and vice versa. It also involves some observation of juvenile delinquents and children at risk in their homes and some educational assistance to the families whose many shortcomings may have caused or been at the root of their children's behavioural problems. When education is organized in a community environment, it provides the best setting for the legal measure of putting the child on probation. This measure, decreed by the judge in the case of a juvenile delinquent, involves keeping the child in his natural setting, whether his family or a substitute, for the purpose of his education, under the supervision of a judge and a social worker appointed by the juvenile court.

243. With the aim of decriminalizing a large part of the antisocial behaviour of young delinquents, the Minister of Justice has sent circular No. 0007/7128/DAJS of 27 January 1995 to all attorneys-general and public prosecutors expressing concern about the overcrowding of prisons and the lack of special quarters for juvenile detainees in many penitentiaries. Noting the shortage of social and educational support in those establishments and the difficulties the Cameroonian prison system has in satisfactorily discharging its mission to return young delinquents to society, he invites judges to resort to imprisonment only after the most careful consideration. He strongly recommends that, whenever possible and desirable, they should adopt measures to deal with children without resorting to legal proceedings and, when that does prove necessary, that they avoid, as often as possible, putting them on remand and that they respect human rights and put in operation all guarantees provided for by law to protect juveniles. He particularly urges them to resort to the special protection measures provided for in the special legislation on juvenile delinquents, particularly the provisions of the decree of 30 November 1928 as amended by Act No. 67/LF/1 of 1 June 1967 instituting the Penal Code.

244. The training of professionals in the administration of juvenile justice regarding the provisions of the Convention and other international instruments applicable to juvenile justice is something quite recent. Since August 1997, the Ministries of Justice and Social Affairs have, with the cooperation and financial support of UNICEF, been organizing training seminars on the rights of the child for judges, police officers, prison governors and social workers. These seminars will be extended to the whole country, but have so far been held only in 3 out of 10 provinces. They will reinforce the work done on a smaller scale by some NGOs and associations involved in the protection of the rights of the child. The Ministry of Justice and the National School of Administration and the Judiciary are preparing a cycle of seminars, the first of which already took place in December 1998; they will be funded through Canadian cooperation.

245. The results of the different activities undertaken in recent years are still difficult to assess, however, both from the viewpoint of juvenile justice professionals and from that of the general social conduct of children. It is true that greater attention is being paid by the judicial authorities to matters concerning juveniles, since the number of children on remand does not seem to have followed the same rising curve as delinquency in general and juvenile delinquency in particular over recent years. Nevertheless, long remand sentences are still being handed down, the duration of such custody not having been limited by law.

2. Treatment of children deprived of liberty, especially child detainees and prisoners or those in establishments under supervision (art. 37 (b), (c) and (d))

246. The treatment of children deprived of liberty is defined by the laws and regulations. Children in police custody, in detention or in rehabilitation centres continue to enjoy all other rights compatible with their situation. Chapter 8 of Decree No. 2/052 of 27 March 1992 on leisure, cultural activities and social assistance in the Cameroonian prison system sets aside a part of the detainees' timetable for physical exercise, recreation and cultural activities. Each establishment must organize classes for minors and provide detainees with the books or other material necessary for their intellectual development. Recreation periods can be organized in the prison, possibly with the help of outside persons on the prior written authorization of the prison superintendent.

247. Social assistance is given to detainees, under the superintendent's authority, by specialized services of the Ministry of Social Affairs. Its aim is to get the prisoners back on their feet and enable them to return to society on their release. At the end of each quarter, prison social workers submit a report on their activities to the Minister of Prison Administration and the Minister of Social Affairs.

248. At present certain prisons, such as those of Yaoundé and Douala, organize educational, social and cultural activities for the minors detained there; sports are an ongoing activity. Children undergo schooling and sit for examinations in the normal way in order to obtain the official diplomas.

249. Rehabilitation centres aim to provide children in conflict with the law with training that will ensure their reintegration into society. The children board at such centres. In general, their training takes place in a natural and open environment, since, with the exception of those built in towns, rehabilitation centres are not walled. Contact with the world outside is encouraged to prepare the young people to return to society. Parents are required to visit their children as often as possible. The centres give the children psychological and social support as well as schooling or vocational training. To foster contact with the outside, the schools set up within the rehabilitation centres take in children from elsewhere.

250. Where children are deprived of liberty, health care is given free. In prisons and rehabilitation centres, there are infirmaries for the sick, who are taken care of in public hospitals if their case involves any particular problems.

251. The duration of imprisonment is defined by the court sentence and is known in advance. The time spent in a rehabilitation centre is also fixed in advance and cannot extend beyond the child's coming of age, which is still set at 21 years.

252. The conditions of placement in a rehabilitation centre are defined in the rules and regulations of each establishment. Those rules take account of constitutional guarantees, even if economic difficulties mean that it is not always possible to provide the children with the conditions most conducive to their reintegration into society.

3. Exclusion of torture or cruel, inhuman or degrading treatment or punishment (art. 37 (a))

253. Article 37 (a) requires States parties to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment. Cameroon has endorsed that principle by ratifying, in Decree No. 97/079 of 25 April 1997, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984. In application of the Convention, Act No. 97/009 of 10 January 1997 amends and supplements certain provisions of the Penal Code. Pursuant to that Act, article 132 bis, entitled "Torture", has been inserted between articles 132 and 133 of the Code.

254. This article reads as follows:

"(1) Anyone who, by torture, involuntarily causes the death of another person shall be liable to life imprisonment;

(2) When the torture permanently deprives the victim of the use of all or part of a limb, an organ or a sense, the penalty shall be 10 to 20 years' imprisonment;

(3) When the torture causes the victim's illness or incapacity for work for more than 30 days, the penalty shall be 5 to 10 years' imprisonment and a fine of CFAF 100,000 to CFAF 1 million;

(4) When the torture causes the victim to be ill or unfit for work for 30 days or less or to suffer pain or mental or psychological distress, the penalty shall be two to five years' imprisonment and a fine of CFAF 50,000 to CFAF 200,000 francs;

(5) For the purposes of implementing the present article:

(a) The term "torture" means any act by which severe pain or suffering, whether physical, mental or psychological, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind;

(b) The term "torture" thus defined does not apply to pain or suffering arising from, inherent in or incidental to lawful sanctions;

(c) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture;

(d) An order from a superior officer or a public authority may not be invoked as a justification of torture;

(e) The conditions set forth in article 10, paragraph 1, of the present Code are not applicable to torture."

255. These recent provisions are strictly applied, particularly through the increasingly effective involvement of law enforcement officials. They are implemented both within police units and anywhere else where torture may be practised.

256. What is more, torture is ever more openly condemned by public opinion, for example, in recent publications such as the study by Mr. Alexis Dipanda, President of the Supreme Court of Cameroon and former Chairman of the United Nations Committee against Torture, entitled "Torture, the Barbarity of Mankind", and that by the International Federation of Action by Christians for the Abolition of Torture entitled "Your Rights in relation to Torture and Arbitrary Arrest".

4. Physical and psychological recovery and social reintegration (art. 39)

257. Under the provisions of Decree No. 92/052 of 27 March 1992 on the prison system in Cameroon and pursuant to Ministerial Instruction No. 93/00726/MINASCOF/SG of 1 April 1993 determining the functions of the prison social welfare officer, the minors' section in a prison functions as a rehabilitation unit with three basic tasks: (a) to influence the minor's behaviour by education or psychological means; (b) to provide schooling or vocational training; and (c) to work towards the minor's reintegration into society so as to prevent him re-offending after his release. The prison social welfare officer also has the task of establishing relations with religious and philanthropic partners to mobilize different forms of assistance for minors in detention. In his work he has the cooperation of the Ministry of Youth and Sports, which appoints youth and community activity counsellors to the unit to organize leisure, recreation and cultural activities.

258. Ministerial Instruction No. 87/0085 of 14 July 1987 on vocational training programmes in residential rehabilitation centres allows social workers to plan not only for the psychological and social care of minors but also for their socio-economic reintegration. At present, six central prisons have social units with qualified and stable staff, while the others are supervised by a social worker who is at the same time in charge of community education.

259. NGOs and religious associations also work both in prisons and in private rehabilitation centres; they specialize in the care of minors and women, through prison visits, counselling, help with psychological and emotional problems and work with families. In 1995, for example, in the

socio-educational centre for juvenile remedial teaching in the central prison in Yaoundé, five candidates passed their "brevet d'études du premier cycle" (examination taken at age 16) and two their "certificat d'études primaires élémentaires" (primary leaving certificate). Although there are special sections for minors with socio-educational training centres, there is still a discrepancy in the treatment of girls and boys: in the central prison in Yaoundé or that of Mfou, for example, girls inevitably find themselves placed in the women's section with adult detainees, while boys are sent to the special minors' section. As a result, the specific modalities of the interaction between the social services, the judiciary and the prison administration have been discussed and formulated in seminars which were organized by the Ministry of Social Affairs and UNICEF in 1997 and 1998 in three provinces and are scheduled for extension to the entire territory. Their recommendations are to be implemented shortly.

C. Children subjected to exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation, including child labour (art. 32)

260. According to article 32 of the Convention on the Rights of the Child, the child has the right to be protected from performing any work that is likely to be harmful to his health, education or development; the State provides for minimum ages for admission to employment and regulates conditions of employment.

(a) The legal framework

261. In Cameroon, conventions have been ratified and laws adopted to ensure compliance with the above-mentioned article 32. At the international level, Cameroon has ratified the seven basic ILO human rights conventions (see Cameroon's core document, HRI/CORE/1/Add.109, sect. III. General legal framework within which human rights are protected), including ILO Convention No. 138 on the Minimum Age for Admission to Employment (1973), which it ratified on 14 April 1998.

262. Domestic legislation on child labour consists of:

(a) Act No. 92/007 of 14 August 1992 containing the Labour Code;

(b) Decree No. 68/DF/253 of 10 July 1968 on general conditions for the employment of domestic and household workers;

(c) Decree No. 69/DF/287 of 30 July 1969 on apprenticeship contracts, particularly insofar as it requires a minimum age of 14 years for admission to apprenticeship and prohibits a female apprentice from being lodged with an unmarried master;

(d) Order No. 16/MTLS/DEGRE of 27 May 1969 on female labour, with an annex listing work prohibited for women and children;

(e) Order No. 17/MTLS/DEGRE of 27 May 1969 on child labour.

263. With regard to the minimum age for admission to employment, the above-mentioned legal framework sets that age at 14 years for work that does not involve any particular risks (arts. 2 of ILO Convention No. 138 and 86 of the Labour Code) and at least 18 years for dangerous, difficult or unhealthy work likely to undermine the health or morals of the child.

264. Work prohibited for children is:

(a) Work that is beyond a child's strength, such as the transport and handling of goods over a certain weight calculated in relation to the sex and age of the child and the transport of goods by truck or similar vehicle;

(b) Dangerous or unhealthy work, such as work underground in mines or in quarries or foundries and the manufacture, handling or manipulation of explosives;

(c) Work harmful to the morals of children, such as the fabrication and sale of written or printed products (posters, drawings, sculptures) which may have an adverse influence on the moral and psychological development of children, even if such work is not prohibited by criminal law.

265. In determining the conditions for children's work, Cameroonian laws and regulations prescribe affirmative action measures, including:

(a) The ban on night work for women and children (art. 81 of the Labour Code). The maximum duration of daytime work cannot exceed eight hours, with a compulsory break of at least one hour for children (Order No. 17/MTLS/DEGRE of 27 May 1969);

(b) Compulsory rest time of at least 12 consecutive hours (art. 82 of the Labour Code);

(c) Compulsory granting of leave on the basis of two and a half days per month instead of one and a half days for adults.

266. The competent labour inspector monitors the implementation of these legislative and regulatory measures (arts. 104 to 109 of the Labour Code). To facilitate the inspector's monitoring of child labour, any employer who recruits a child, even for a trial period or without an apprenticeship contract, must so inform the labour inspector in the ensuing days or nights. A duly completed form must accompany the medical certificate of the child concerned.

267. Criminal penalties are provided for in articles 167, 168 and 190 of the Labour Code against anyone who contravenes the provisions of articles 82, 86 and 90 of that Code concerning, inter alia, children's working conditions.

268. It should also be pointed out that Cameroon has established the principle of equal pay, without distinction as to age, for equal work.

269. Tables 11 and 12 in the annex recapitulate the situation of children in agriculture.*

270. To sum up, any work performed by children in conditions that fall short of those provided for in the legal framework described above qualifies as economic exploitation.

(b) Child labour problems and suggested administrative measures

271. Before 1986, the Government of Cameroon had adopted a series of measures to prevent child labour. They basically involved combating illiteracy, raising school enrolment rates and promoting vocational training and apprenticeships as a strategy for fostering employment. The following are examples:

(a) The establishment of school programme incentives such as the free pilot centres in regions with low school enrolment like the provinces of Adamaoua, Est. Extrême Nord and Nord;

(b) The creation of post-primary institutions: rural crafts and domestic science sections;

(c) The creation of youth and community activity centres.

It must be admitted that the measures adopted prior to 1986 had only limited effects because of the economic crisis and the high demographic growth rate, which was of the order of 2.9 per cent, according to the 1987 population census.

272. Because of the economic crisis, which has lasted more than a decade and the consequent impoverishment of households, between 1987 and 1994, the Ministry of Labour and Employment recorded 76,187 cutbacks and lay-offs of personnel and 1,040 businesses closed down, all of which meant 105,199 job losses and 32,555 workers claiming wage arrears.

273. According to the 1987 general population census, the number of working children between 6 and 14 years was about 227,337 out of a total population of 10,493,655, excluding the agriculture sector. Assuming a constant activity rate and a constant active population, there were an estimated 590,000 working children in 1997 for an estimated total population of 14,045,000.

274. Consequently, the problem of child labour may, on the one hand, be seen as part of the struggle for survival waged by poor families exposed to economic insecurity and, on the other, be explained by the thorny question of remuneration, which leads employers to seek workers who are cheap, docile, ignorant and ready to waive their rights. To this should be added other factors contributing to child labour, such as family structure, customs, educational factors and armed conflicts.

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* The statistical tables may be consulted in the secretariat of the Committee on the Rights of the Child.

275. Experience shows that child workers are employed in several types of activity (from light tasks to dangerous work) and in several sectors of the economy (primary, secondary and tertiary), such as trade, domestic service, agriculture, fisheries, livestock raising and mining. They also have jobs in the informal sector. The situation is at its most serious in the agricultural sector.

(c) Policies and programmes

276. In Cameroon, the situation of children in general and child labour in particular is taken into account in of the overall policy for the protection and promotion of the child. As a result of the orientation of this government policy, the strategies outlined aim in particular:

(a) To sensitize and mobilize the community regarding questions of child labour;

(b) To promote both standard and informal education and apprenticeship;

(c) To improve and strengthen legislation on child labour;

(d) To coordinate and pursue activities to combat child labour.

These major strategic goals have been included in the draft plan of action to combat child labour, the chief obstacles to the implementation of which are financial constraints.

(d) Technical cooperation and international assistance

277. Cameroon cooperates with the ILO International Programme on the Elimination of Child Labour (IPEC). In that context, IPEC has conducted a survey in Cameroon of children below the age of 14 years in extreme work situations. Cameroon would like to step up this kind of cooperation with a view to ensuring the implementation of operational strategies to abolish the worst forms of child labour.

2. Use of narcotic drugs (art. 33)

278. According to article 33 of the Convention, "States parties shall take all ... measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances ... and to prevent the use of children in the illicit ... trafficking of such substances." Well before the Convention, Cameroon had joined the international community in ratifying other international legal instruments on narcotic drugs (1961), psychotropic substances (1971) and drug trafficking (1988).

279. At the domestic level, article 11 of the Penal Code provides that the criminal law of the Republic applies to narcotic drug trafficking even if carried on outside the national territory. Decree No. 92/PM of 24 November 1992 set up the National Committee to Combat Drug Abuse. This is an advisory body to the Ministry of Health whose task is the coordination and consideration of all problems of illicit drug use and drug abuse. Recently, Act No. 97/019 of 7 August 1997 was promulgated on the control of narcotic drugs, psychotropic substances and precursors and on extradition and judicial assistance in connection with trafficking in narcotic

drugs, psychotropic substances and precursors. It breaks new ground in that it contains provisions specific to children. Its Article 104 thus makes anyone who knowingly supplies a minor with toxic chemical inhalants liable to one to five years' imprisonment and a fine of between CFAF 25,000 and CFAF 500,000. Pursuant to article 105, the penalties provided for in articles 91 to 99 are doubled when a minor takes part in the offences concerned (cultivation, production, fabrication, international trafficking, money laundering). Those penalties are also doubled if the offence has been committed in a penitentiary, in a military establishment, a teaching or educational establishment, a hospital or health-care establishment, a social services centre or any other place where pupils or students engage in educational, sports or social activities or in the immediate vicinity of such establishments and such places.

280. Much work is done by NGOs and other associations, which have formed a network, under the impetus of the National Committee to Combat Drug Abuse and the International Institute for Prevention of Drug Abuse based in Paris. During the International Day celebrated on 26 June 1997, a radio and television message on the theme "Let's mobilize our communities to fight drugs" was broadcast widely on national stations.

D. Children belonging to a minority or an indigenous group (art. 30)

281. Article 30 of the Convention provides that, in States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, those States must guarantee to the child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to practise his or her own religion and to use his or her own language. The preamble to the Constitution of Cameroon similarly affirms that "The State shall ensure the protection of minorities and shall preserve the rights of indigenous populations ...".

282. Different types of action have been taken as part of the programme for the socio-economic integration of indigenous and marginal populations to ensure:

(a) Their legal protection by drawing up or reconstituting official civil register certificates and by facilitating their access to education, to the labour market, to primary mother-and-child health care and to landed property;

(b) The preservation of their cultural identity and their natural environment, particularly by the promotion of cultural values and the acquisition of community forests;

(c) Their socio-economic reintegration, through community networks within the spheres of competence of the public administration.